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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
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Item 5 of the provisional agenda

REPORTS OF PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

Report of the Latin American and Caribbean regional seminar of experts on economic, social and legal measures to combat racism with particular reference to vulnerable groups

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Preparatory Committee the report of the Latin American and Caribbean regional seminar of experts on economic, social and legal measures to combat racism with particular reference to vulnerable groups, held in Santiago de Chile from 25 to 27 October 2000.

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Annex

REPORT OF THE LATIN AMERICAN AND CARIBBEAN REGIONAL SEMINAR OF EXPERTS ON ECONOMIC, SOCIAL AND LEGAL MEASURES TO COMBAT RACISM WITH PARTICULAR REFERENCE TO VULNERABLE GROUPS

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I. INTRODUCTION

A. Organization of the seminar

1. In resolution 2000/14, the Commission on Human rights requested that "the regional preparatory processes identify trends, priorities and obstacles at the national and regional levels, to formulate specific recommendations for the action to be carried out in the future to combat racism, racial discrimination, xenophobia and related intolerance and to submit to the Preparatory Committee, by its 2001 session at the latest, the conclusions of these regional preparatory processes."

2. In accordance with the above, the Latin American and Caribbean regional expert seminar entitled, "Economic, social and legal measures to combat racism with particular reference to vulnerable groups", took place from 25 to 27 October 2000 at the facilities of the Regional Economic Commission for Latin America and the Caribbean (ECLAC) in Santiago, Chile. The seminar was the fifth and final regional expert seminar in preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in Durban, South Africa, in 2001. Following the presentation of background papers by 11 of the 12 experts and a discussion of the themes of the seminar by all of the participants, the experts agreed upon a set of conclusions and recommendations which are set out in this report.

B. Participation

3. The experts who participated in the seminar, as well as the States Members of the United Nations and the intergovernmental and non-governmental organizations that were represented as observers, are listed in appendix I to the present report.

C. Opening of the seminar and election of the Chairperson-Rapporteur

4. The seminar was opened by the former President of Chile, Mr. Patricio Aylwin. In his opening statement, Mr. Aylwin noted that one of the principal purposes of the expert seminar was to develop recommendations to be considered by the intergovernmental Regional Conference for the Americas to be held in Santiago from 5 to 7 December 2000. He noted that in articles 1 and 2 of the Universal Declaration of Human Rights were enshrined the principles of the human dignity of all persons and non-discrimination on the basis of race and colour. Nevertheless, discrimination on the basis of race, colour and culture existed more or less everywhere, and this posed a threat to peace. He expressed the view that the principal problem of racial discrimination in Latin America and the Caribbean affected indigenous peoples and Afro-Latino Americans. He noted that the region had the sad distinction of having the largest inequality of income distribution of any region of the world and that this was an important factor in aggravating racial discrimination. He noted that although the constitutions of Latin American States recognize the equality of all citizens, the interests of indigenous peoples were frequently ignored and the tendency had been to try to follow a policy of assimilation. He concluded that only in recent years had there been an acknowledgement by States of the problems of racism and the multicultural nature of the region and that this had been a positive step forward.

5. The Deputy Executive Secretary of ECLAC then spoke on behalf of the Executive Secretary of ECLAC. He welcomed the participants to the expert seminar and said that it was important to recognize that civil and political rights are closely associated with economic, social and cultural rights. He advocated focusing economic development on the reduction of inequality, solidarity, fairness and the principle of non-discrimination. He added that the problems of poverty, marginalization and exclusion were structural problems which particularly affected indigenous peoples and racial minorities.

6. The Deputy High Commissioner for Human Rights delivered the message of the High Commissioner for Human Rights and Secretary-General of the World Conference to the expert seminar. The High Commissioner's message recalled that the Latin American and Caribbean region was one of great racial and cultural diversity. The region had experienced a history of colonial conquest, the importation of slaves and bonded labour, and there was a need to acknowledge the legacy of inequality that had resulted from these events, particularly for indigenous peoples and Afro-Latin Americans. She urged States to commit themselves to achieving a better integration of these groups into society.

7. Mr. José Bengoa, member of the Sub-Commission on the Promotion and Protection of Human Rights, was chosen Chairperson-Rapporteur for the expert seminar by acclamation.

D. Adoption of the agenda

8. The provisional agenda for the seminar was adopted without a vote (see appendix II).

E. Documentation

9. A list of the documentation of the seminar is attached (see appendix III).

II. TOPIC I. GENERAL TRENDS, PRIORITIES AND OBSTACLES IN COMBATING RACISM AND RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE IN LATIN AMERICA AND THE CARIBBEAN

10. Mr. Mario Jorge Yutzis presented a paper entitled "General trends, priorities and obstacles in combating racism, racial discrimination, xenophobia and related intolerance" (HR/SANT/SEM.5/2000/BP.2). In his presentation, Mr. Yutzis introduced the subject by focusing on the social and cultural history of Latin America. He argued that colonialism had led to the subjugation of populations in Latin America with the result that today there was a legacy of large structural inequality and cultural imbalance. He added that these large population groups in Latin America suffered from racial discrimination and marginalization as a result of structural inequalities which continued to persist. He argued that true democracy was needed so that all people in society could participate on an equal basis. He quoted former President Nelson Mandela of South Africa, who said, "If people are hungry and there is no food for them; if they are sick and there are no medicines for them; if there is no work for them; if ignorance persists; and if the fundamental rights of all individuals are not respected; then democracy is an empty shell, even if the citizens vote and have a parliament." He added that, in

his view, the principal obstacle in the struggle against racism in the region was the persistent domination by one group and the marginalization, exploitation and non-recognition of extensive sectors of society. This poorest strata of people often coincided to a considerable degree with those who are Afro-Latin American or indigenous.

11. Mr. Yutzis observed that there was currently a grave problem of social exclusion and what he termed a crisis in "social space". He called on States in the region to reconsider their policies and to intervene more actively in their economies to stimulate demand and equal opportunity and to combat unemployment. He added that the implementation of new measures was essential for the most vulnerable groups, including in particular indigenous peoples, Afro-Latin Americans, persons of mixed race and migrants.

12. Mr. Yutzis argued that what was needed was a new "social contract". He called for a further democratization of the process by which policy decisions were made in order to achieve a more efficient and representative State. This would involve the genuine recognition of all groups with special characteristics, particularly those in situations of marginalization and poverty, and positive measures in the social, political and legal fields in order to ensure their participation in the political structures of the State.

13. He also underlined that the official recognition of the languages or dialects spoken by ethnic groups was a central problem that needed to be addressed. This was particularly important in the legal and educational fields, and it was important politically to create zones where those languages could be used on an equal basis with the dominant language of the State.

14. Mr. Yutzis added that a focus on the integration of children and adolescents was very important and urged that teaching of the history of States and the region be undertaken in more imaginative and innovative ways, especially with a view to noting the role and contribution of indigenous peoples and other vulnerable groups.

15. Following the presentation of Mr. Yutzis, Mr. Martin Hopenhayn presented a paper on the same topic entitled "Ethnic and racial discrimination and xenophobia in Latin America and the Caribbean (HR/SANT/SEM.5/2000/BP.2/2). He stated that indigenous peoples and Afro-Latin Americans showed the worst economic and social indicators and were, to a large degree, the poorest people in Latin America and the Caribbean. He explained that this was the result of colonialism and the subjugation of these peoples. The loss of lands of indigenous peoples, migration to the cities and racial discrimination in access to education, employment and participation in the political structures of government had all contributed to this poverty. He argued that States in the region had originally strived to create a concept of a single culture and a single nation, with a national homogenous identity. A dichotomy of terminology used at the time, which labelled the dominant group "civilized" and others "barbarians", left little room for tolerance or a spirit of multiculturalism. Those who were different from the dominant group frequently were victims of racist treatment because the very fact that they were different was viewed as threatening the concept of a monolithic State. This led to a policy of acculturization focusing on the European nation-State ideology, the rules of a European-like workplace and the use of a European language by all persons. This policy had the effect of largely denying the value of the culture and identity of non-European groups, without their being able, for reasons of

poverty and racial discrimination, to have meaningful access to the new culture being promoted by the dominant group. In the process, non-white groups were largely left behind in a State that was neither tolerant nor multicultural.

16. In order to overcome inequality of wealth and have equal access to education, employment, health care, the legal system and political structures, positive measures were needed to assist racial and ethnic groups. Mr. Hopenhayn also highlighted the need for bilingual education and access to land, technology and communications. A positive aspect of globalization was that it had the effect of opening borders, with the consequence that differences among peoples were recognized and appreciated.

17. He also was of the view that xenophobia had been transmitted from generation to generation and that States had a large responsibility to build attitudes of tolerance, respect and acceptance. He concluded by saying that it would be a strategic challenge to change the attitudes of people concerning racial prejudice.

18. In the discussion that followed, many participants mentioned the close association between extreme poverty and racial discrimination. The representative of Costa Rica said that exclusion of minorities was reinforced by policies that tended to ignore their existence and by the inability of minorities to secure access to and participation in institutions in the public and private sectors. In many cases, statistics on indigenous peoples and Afro-Latin Americans either did not exist or were inadequate. The representative of Costa Rica urged that concrete actions be taken to ensure adequate levels of nutrition and better access to health care, education and employment.

19. The representative of Education International stated that there were many factors that did not favour the integration of racial minorities and that protection was sometimes only on paper and not applied in practice. He argued that racial minorities were frequently viewed only as a source of inexpensive labour.

20. The representative of Baha'i International Community stated that racism was manifested in many ways and that, according to Mr. Hopenhayn's paper, even if one took education into account, racial minorities had lower incomes. The representative suggested that moral factors also influenced racial discrimination. The representative of Brazil also said that a better understanding of human nature was necessary in order to fight racist attitudes and prejudice. Mr. Yutzis added his support to the view that the problem of racism also went to the heart of the human condition, but added that it was also a cultural, economic and political problem.

21. Mr. Manuel Rodriguez Cuadros, an expert, said he was of the view that there was an element of racism which is independent of economic status, although he added that the majority of the extremely poor were non-white. He noted, however, that even economic success did not ensure social acceptance, as racial discrimination was practised, for example, in access to private schools and clubs. He said that it was necessary for both the State and civil society to recognize the existence of racial discrimination, to recognize multiculturalism, and to address inequality of wealth by granting more political power to the poor, who were disproportionately non-white.

22. The representative of the International Human Rights Law Group said that racial discrimination was covered up in the region and that some States had reported to the Committee on the Elimination of Racial Discrimination (CERD) that racial discrimination did not exist in their countries. This was an important obstacle to overcome if racial discrimination was to be really addressed. The representative also said the idea that everyone was of mixed race was also used to obviate the need to take measures to assist indigenous peoples and Afro-Latin Americans.

23. The representative of the Organization of Africans in America said that in order to truly understand the conditions of the Afro-Latin Americans, grass-roots organizations who had experienced racial discrimination should be consulted. A representative of Escritório Nacional Zumbi do Palmares added that the real problem was not of laws, but of their effective application. Those who experienced multiple discrimination on the basis of colour, gender and poverty were particularly vulnerable.

24. The representative of the Inter-American Development Bank recommended that in census and household surveys, statistics should measure with basic social and economic indicators the situation of indigenous peoples and Afro-Latin Americans in the population. Such indicators would give a better idea of the poverty levels of these groups. He also suggested that civil society, including NGOs, should be better integrated into projects; that additional investment was needed to educate indigenous and Afro-Latin women who had high rates of illiteracy; and that programmes against violence and victimization of indigenous peoples and Afro-Latin Americans needed to be undertaken.

III. TOPIC II. INDIGENOUS PEOPLES

25. Ms. María Magdalena Gómez Rivera presented a paper entitled "Indigenous populations and the protection of civil and political rights: equal treatment and full participation in the Government, access to the courts, access to private establishments open to the public and full legal protection" (HR/SANT/SEM.5/2000/BP.3). In her introduction, Ms. Gómez noted that historically racism had been practised in Mexico through literacy requirements and through attempts to destroy indigenous culture and replace it with the culture of the conquerors. She argued that indigenous peoples had been effectively excluded from political power - not legally but through the very structure of the State which emphasized individual rights and limited access to education and information. In her view, effective recognition of indigenous peoples and their collective rights could not take place without reform of the State. Some feared that recognizing the collective rights of indigenous peoples, and providing a certain measure of autonomy with respect to land and the administration of justice, would threaten State sovereignty. She argued that autonomy could be granted within the framework of the constitution of a State without diminishing sovereignty. She noted that in proposals for reforms in Mexico there had not been sufficient account taken of cultural factors.

26. Mr. Diego Alfonso Iturralde Guerrero then presented a paper entitled "Indigenous populations and the protection of economic, social and cultural rights: access to education, housing, health care, employment; the special problem of land rights, protection of cultural

identity and traditions" (HR/SANT/SEM.5/2000/BP.4). In his introduction, Mr. Iturralde noted that racial discrimination could be substantially hidden through denial. Nevertheless, he observed that there had been a re-emergence of the deep-rooted attachment to indigenous peoples' culture and identity. He concluded that the decentralization of political power in a number of States had changed the dynamic of the situation, with the result that indigenous peoples had been elected as representatives in local elections. However, he noted that the economic strategy for growth in the region largely relied on a type of social Darwinism, with little concern for its racial and ethnic implications. This economic model had resulted in substantial social and economic inequality. Indigenous peoples needed to have a certain measure of autonomy, full protection of the law, access to land and multilingual and multicultural education. He also called for the restoration and widening of democracy, and the need for indigenous peoples to establish their own political structures to pursue their own political and economic rights. He also noted that the political and economic rights of indigenous peoples were interdependent. He advocated more intensive monitoring of international standards, including information on which States had adopted these standards and which had adopted implementing legislation. He concluded by saying that racism was a social problem rather than a legal or institutional issue. It was necessary to find a positive approach that might not combat racism per se, but would combine development with respect for diversity and identity.

27. Mr. Atencio López Martínez, an expert, said that States needed to change their approach to education and culture for indigenous peoples, and that indigenous peoples should be more directly involved in these issues.

28. Mr. Kenneth Osborne Rattray, an expert, commented that economic, social and cultural rights needed to be legally recognized and implemented. He also said that minorities needed to experience an emancipation in terms of their own self-esteem.

29. The representative of Brazil said that the non-recognition of racism was a huge obstacle because without a recognition of the reality of racism and the problems and suffering that it caused, it was impossible to adopt policies and programmes to overcome it. He added that a deepening of democracy and public debate had allowed for a more open discussion of racism in Brazil. Ms. Edna Maria Santos Roland, expert from Brazil, agreed that there had been a change in public discussion in Brazil and a recognition that the Afro-Brazilian community faced significant racial discrimination.

30. The representative of the World Bank remarked that for economic development to be sustainable, it had also to be culturally sustainable. Investment projects should take into account the land rights of indigenous peoples, and in particular lands considered sacred lands. He added that it would be useful to have a social evaluation impact statement when projects were undertaken.

31. The representative of the Organization of Africans in the Americas remarked that a big problem was lack of access to economic resources, including resources necessary for access to health care, education and cultural activities. He argued that these activities were expensive and beyond the financial possibilities of many Afro-Latin Americans, while they should be available by right.

32. The representative of Costa Rica said that laws that prohibited racial discrimination were not enough. States should create mechanisms to facilitate the exercise of rights; take action to prevent manifestations of racism in daily life; and review laws which appeared fair and non-discriminatory, but which in practice had a racially discriminatory impact.

33 The representative of the International Indian Treaty Council said that the denial of the rights of indigenous peoples constituted racism, and that the word "peoples" should be used when describing the indigenous. He added that indigenous peoples should be in a position to dispose freely of their natural wealth, in particular their land, and that the denial or impairment of this right was racism.

IV. TOPIC III. MIGRANTS: ECONOMIC FACTORS, EMPLOYMENT, STATUS AS NON-CITIZENS AND THE RISE OF XENOPHOBIA AND DISCRIMINATION

34. To introduce topic III, Ms. Gabriela Rodríguez Pizarro introduced her background paper of the same title (HR/SANT/SEM.5/2000/BP.6). She started by explaining that migration was not always voluntary, and that social inequality in particular could provoke migration. Migrants often migrated without adequate information, and did so both with and without the proper documents. She observed that migration could exact a high social cost, in terms of the disintegration of families. Migrants, once they arrived in a new country, frequently experienced negative reactions, including xenophobia and racism. She was of the view that migratory flows were a fact of life and that more should be done by States to accept this situation. She suggested that information campaigns could be facilitated in both the sending and receiving States so that migrants would not leave their State of origin without adequate information and would receive necessary information from the receiving State. She recommended that States should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. She also suggested human rights training for border officials, and police and prison officials; the observance of the duty to inform the relevant consulate when a migrant had been arrested; and a more vigorous effort to combat trafficking in human beings, particularly women and children.

V. TOPIC IV. DISPLACED PERSONS, REFUGEES AND ASYLUM-SEEKERS: NATIONAL PRACTICES AND POLICIES, RACIAL DISCRIMINATION IN THE HOST COUNTRY (topics III and IV were discussed together)

35. Topic IV was introduced by Mr. Alejandro Valencia Villa, who presented a paper of the same title (HR/SANT/SEM.5/2000/BP.5). He started his presentation by stating that refugees were often treated with suspicion and that there appeared to be a general view that refugees were potentially the source of political problems. Women and children, who constituted the majority of refugees, tended to suffer the most. He noted that there was widespread recognition of the principles of refugee law in formal terms. However, while some States in the region had ratified

the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, they had not all adopted enabling legislation. Other States had ratified the international instruments and adopted enabling legislation, but had not implemented their laws in practice. On a practical level, he observed that voluntary repatriation of refugees had worked well in some States in the region, but that third-country resettlement had not been particularly successful.

36. Turning to the subject of internally displaced persons (IDPs) in the Latin American region, he indicated that IDP flows were the result of political violence in only two areas: Colombia and Chiapas, Mexico. In other States in the region, the reason for the internal movement of persons was structural factors in the economy. He noted that international protection had traditionally been oriented towards protecting asylum-seekers and refugees, not IDPs. However, in the past several years, there had been movement towards more protection for IDPs, including the Guiding Principles on Internal Displacement.

37. The representative of the Canadian Race Relations Foundation said that the media displayed subtle forms of racial discrimination by demonizing migrants, refugees and asylum-seekers, frequently depicting them as criminals. This created a degree of paranoia on the part of the public which fed into political action by States. NGOs needed to be strengthened in order to monitor the media and government action and ensure their accountability.

38. The representative of Costa Rica said that it was important for sending States to provide protection to their own nationals so they would not feel that they were obliged to migrate, and that it was equally important for receiving States to recognize the contribution of migrants.

39. The representative of Mexico said that it was important to make a distinction between documented and undocumented migrants. The latter were also entitled to protection. When a migrant was arrested it was important for the receiving State to respect its international obligation to contact the consulate of the sending State.

40. A representative of the Baha'i International Community welcomed the fact that Brazil had changed its policy to allow more refugees, and added that in general States should take more action to facilitate the acceptance of refugees and migrants.

41. Mr. López, an expert, commented that when addressing the issue of IDPs, he frequently had the impression that the voices of the IDPs themselves were not heard. He said that food and tents would not always solve the problems IDPs faced. He suggested that more training of State officials was needed with regard to the texts and application of international human rights instruments.

42. Mr. Ibsen Hernández Valencia, an expert, said that the Inter-American Development Bank and the World Bank could not have effective inputs into their studies and projects if they did not include more direct and practical inputs from Afro-Latin Americans themselves.

VI. TOPIC V. THE SITUATION OF AFRICAN-AMERICANS: MARGINALIZATION ON THE BASIS OF RACE AND POVERTY; ATTITUDES TOWARDS CULTURAL IDENTITY

43. Ms. Edna María Santos Roland introduced topic V and her paper of the same title (HR/SANT/SEM.5/2000/BP.7). She started her presentation by making reference to the definition of racial discrimination as set out in the International Convention on the Elimination of All Forms of Racial Discrimination. She also said that she liked the Convention's terminology concerning special measures to promote equality. In her view, poverty was a result of racism and racism was used as a means to justify the expropriation of wealth from some for the benefit of others. Although she acknowledged that there was a debate as to whether poverty was the cause or result of racism, it was clear the two were closely inter-linked. Denying the existence of racism was a pretext for hiding its existence. In this regard, she recommended that censuses undertaken by States should include a classification by race or ethnic origin so that basic information could be gathered on the Afro-Latin American population. She also noted that returns on investments in education had been shown to be slower than for investments in health; she therefore suggested that States target health as a priority area to enhance the quality of life. Nevertheless, States should also invest more in education and support entrepreneurship by Afro-Latin Americans. She singled out the situation of domestic workers, many of whom were Afro-Latin Americans, and called for better guarantees of their rights. She added that the differentiation between citizens and non-citizens should not be used as a pretext for racial discrimination.

44. Mr. Hernández, an expert, recommended: (a) that the history of Afro-Latin Americans and their contributions should be better incorporated in history texts of the region; (b) that States should adopt enabling laws to implement the rights of Afro-Latin Americans; (c) that in policy formulation for economic development States should ensure that such policies were culturally appropriate and were formulated with the input of Afro-Latin Americans; (d) that States should gather information on the Afro-Latin communities during census-taking; (e) that more investment should be made which would directly benefit Afro-Latin communities and that Afro-Latin Americans should be involved and participate in such projects; and (f) that States should support the participation of Afro-Latin Americans in the political process, including at the local level.

45. The representative of the Organization of Africans in the Americas complained that the World Bank and the Inter-American Development Bank did not sufficiently take into account the needs of Afro-Latin Americans. She also said that globalization was in many respects another form of colonialism and that the privatization process in her country had benefited the local elite, and that Afro-Latin Americans had been largely abandoned. The term "development" had to be re-evaluated if it left out Afro-Latin Americans.

46. Another representative of the Organization of Africans in the Americas said that in her country, women suffered triple discrimination because they were black, women and poor. She said society had created stereotypes that had destroyed the sense of self-esteem of many Afro-Latin Americans.

47. The representative of UNESCO said that education needed to be targeted at indigenous peoples and Afro-Latin Americans, and that the organization's programmes were aimed at reducing illiteracy in the region.

48. The representative of the Council of Black Communities of São Paulo, Brazil, pointed out that Blacks were 50 per cent of the population of Brazil. He recommended that development banks should devote a certain percentage of their activities to small and medium-sized enterprises of black entrepreneurs. He also suggested that steps should be taken to facilitate the election of Blacks to parliament. He noted that at present a large amount of money was needed to run for office, and that for the process to be truly democratic this needed to be changed.

49. Mr. Rodríguez, an expert, commented that racial discrimination was a social phenomenon, independent of poverty. He noted that it would be necessary to focus on changing social attitudes in order to combat racism effectively.

50. The representative of the World Bank welcomed the debate on the situation of Afro-Latin communities in the region. He pointed out that the World Bank was a bank of States and that in its lending activities it could only act with the agreement of the State concerned. He added that some States had not yet authorized projects for the benefit of indigenous peoples and minorities. On the other hand, other States had done so. He also noted that although the World Bank did not have the legal authority to make loans directly to NGOs, some States did allow NGOs to receive funds indirectly through loans made to the States concerned.

51. The representative of Brazil said that an inter-ministerial working group had made a number of recommendations to combat racism and improve the condition of Afro-Latin communities. These included: (a) improving the availability of data on Afro-Latin communities to increase institutional awareness throughout the State of their situation; (b) taking measures to combat racial discrimination in employment more actively; (c) focusing more actively on public health measures to assist Afro-Latin communities; and (d) overcoming racism that exists in public education, including by revising textbooks to eliminate racial stereotypes and giving more support to teachers.

52. Ms. Santos, an expert, expressed the view that while positive changes had taken place in Brazil, the Government had not been able to implement many of the recommendations of the inter-ministerial working group, and in particular changes that would have a real impact on the living conditions of Afro-Latinos. She also added that while legal changes had been adopted to allow the restoration of land to individuals who had been illegally deprived of it, to date only a small percentage of land had been restored and there were many bureaucratic obstacles. She also claimed that structural adjustment programmes had reduced the size of the State, and that this had had the effect of reducing the delivery of health and other public services which were much needed by Afro-Latin and minority communities in Brazil.

VII. TOPIC VI. THE SITUATION OF OTHER VULNERABLE GROUPS: VARIOUS MANIFESTATIONS OF RACIAL DISCRIMINATION IN PUBLIC AND PRIVATE LIFE (TOPICS VI TO X WERE DISCUSSED TOGETHER; SEE BELOW)

53. Mr. Manuel Rodriguez Cuadros introduced his paper entitled, "The situation of mestizos and other vulnerable groups: various manifestations of racial discrimination in public and private life (HR/SANT/SEM.5/2000/BP.8). Mr. Rodríguez described the social phenomena of mixed marriages in the region, including between persons of European descent, indigenous descent, African descent, and persons of mixed race. The children of mixed marriage were referred to generally as "mestizos", although within this broad category there were various combinations that had in turn been given more specific names. This had created an informal racial stratification in a number of States in the region.

54. He explained that historically there had been a perception that upward social mobility was possible by marrying someone with lighter skin, and a corresponding prejudice against marrying someone with darker skin. Although in many States upward social mobility had been defined on the basis of wealth, regardless of race, this remained limited, particularly in the private sphere where racial prejudice was still relatively common. This had resulted in a form of hidden racism, with most people, including intellectuals, reluctant to address the subject. He pointed out that there was a good deal of statistical evidence that showed that persons of European descent were generally in a better economic situation than persons of mixed race, persons of indigenous descent or persons of African descent.

55. Mr. Rodríguez also addressed the subject of anti-Semitism and indicated that although it was no longer a serious problem in most States in the region, anti-Semitism continued to be a problem in one form or another in some States. He noted that there had been a series of serious incidents in Argentina. He added that both the public and the Government of Argentina appeared to have recognized the problem, and the Government had taken several initiatives to strengthen legislation, penalizing racial discrimination and incitement to racial hatred.

56. The expert also addressed the issue of racial discrimination against Roma communities in the region. He said that there were Roma populations of varying sizes in many States throughout the region, and that they frequently experienced discrimination. He mentioned in particular problems relating to education and the lack of recognition and respect for their cultural identity.

57. Mr. Rodríguez also described problems of racial discrimination that had been experienced by migrants who had moved from one State to another within the region and had experienced racial discrimination on the basis of their national origin or ethnic characteristics. He said that migrants who were either of Afro-Latin, indigenous or mixed-race origin tended most frequently to be victims of racial discrimination.

VIII. TOPIC VII. STRENGTHENING HUMAN RIGHTS CAPACITIES FOR COMBATING RACISM AND INTOLERANCE, E.G. THE RULE OF LAW, EQUAL ACCESS TO AND TREATMENT BY ADMINISTRATIVE AND JUDICIAL INSTITUTIONS, THE ROLE OF LAW ENFORCEMENT AND PRISON AUTHORITIES, HUMAN RIGHTS EDUCATION AND TRAINING, NATIONAL PROGRAMMES AND POLICIES TO ELIMINATE RACIAL DISCRIMINATION (TOPICS VI TO X WERE DISCUSSED TOGETHER; SEE BELOW)

58. Mr. José Bengoa introduced topic VII with a paper of the same title (HR/SANT/SEM.5/2000/BP.9). He said that efforts to strengthen human rights capacity to combat racism in the region had generally been weak. He said that most progress had been made in the areas of education, culture and information. In the field of education, he noted that there had been a number of efforts in the context of intercultural and bilingual education. He indicated that a number of States, including Argentina, Bolivia, Chile, Colombia, Ecuador, Guatemala, Mexico, Nicaragua, Peru and Venezuela, had undertaken efforts in that regard. These programmes, generally speaking, were designed to allow indigenous languages to be used in certain areas where indigenous communities were concentrated. In terms of cultural programmes, Mr. Bengoa indicated that the most important programmes undertaken by States in the region involved giving scholarships to indigenous persons so that they could have better access to education. Other measures had been taken such as the adoption of legislation in Bolivia, Chile and Peru to facilitate the creation of radio programmes and the establishment of radio stations for broadcasting in indigenous languages. There had been an increase generally in many States in radio stations broadcasting mainly in indigenous languages, for example in Bolivia, Chile, Ecuador, Nicaragua and Peru.

IX. TOPIC VIII: EFFECTIVE REMEDIES AGAINST RACIAL DISCRIMINATION IN THE REGION: PERSPECTIVES ON MORE EFFECTIVE REMEDIES AND REFORMS (TOPICS VI TO X WERE DISCUSSED TOGETHER; SEE BELOW)

59. Mr. Kenneth Osborne Rattray introduced topic VIII with a paper of the same title (HR/SANT/SEM.5/2000/BP.10). He started his presentation by stating that racism was repugnant to humanity and citing article 1 of the Universal Declaration of Human Rights which states, inter alia, that "All human beings are born free and equal in dignity and rights". He noted that the end of apartheid had not led to the end of racial discrimination, racist practices and xenophobia in the world, and that in the developing world in particular there were alarming manifestations of racism. Mr. Rattray noted that in his own country, Jamaica, which was 90 per cent black, racism continued to be a problem, based on gradations in skin colour. Racism had the potential to unleash high emotions and anger, and even to threaten peace.

60. Mr. Rattray noted that political parties that advocated racial exclusion had been gaining ground in a number of States. He also noted that in addition to discrimination against racial and ethnic minorities, anti-Semitism and discrimination against migrants, indigenous persons and the Roma were on the rise. He observed that minorities in the region were disproportionately subject to arrest and imprisonment. He was also of the view that the media continued to promote negative stereotypes.

61. Mr. Rattray suggested that the media should take appropriate measures, possibly through codes of conduct, to eliminate negative racial stereotypes. He also stressed the importance of education to combat prejudice. He advocated increased participation by minorities in the political structures and public administration. Incitement to racial hatred on the Internet should be criminalized and punished on a universal basis. He recommended that States give more attention to the implementation of economic, social and cultural rights, emphasizing that these were indivisible from political and civil rights. A focus on economic, social and cultural rights would assist in combating de facto racial discrimination. He also noted that women who were also minorities faced double discrimination and suggested that measures adopted to combat racism should take into account that minority women were particularly exposed. There was a need to recognize that racism and religious ideologies were often intertwined and measures taken to combat racial discrimination should take this into account. He suggested that there was a need to emphasize the cultural heritage of racial communities without discrimination so that such communities, particularly indigenous communities, could exercise their right to practise and revitalize their cultural traditions and languages. He underlined that a large part of the legacy of racism could be identified with the slave trade and colonialism. In this regard, it was important that there be a recognition of the injustices of the past and an apology for such action, as well as compensation for historical injustices.

X. TOPIC IX. ACTION BY GOVERNMENTS AND NATIONAL HUMAN RIGHTS INSTITUTIONS: BEST PRACTICES (TOPICS VI TO X WERE DISCUSSED TOGETHER; SEE BELOW)

62. Mr. Roberto Cuéllar Martínez introduced topic IX with a paper of the same title (HR/SANT/SEM.5/2000/BP.12). He started his presentation by emphasizing the importance of proactive measures to combat racial discrimination. It was desirable for States to develop a set of indicators that could provide a means of objectively examining the extent to which public policies were effective in combating racial discrimination. Such indicators would be useful because racial discrimination in the region was expressed more in everyday practices than in legislation or public policies, which made it difficult to measure and easy to deny. He indicated that there was a clear need to measure the extent to which public policies recognized diversity and respected differences.

63. Mr. Cuéllar also focused on measures that he felt should be the subject of special attention. Specifically, he suggested human rights education with a focus on promoting tolerance; reform of the system of administration of justice to ensure access to justice for all; and the promotion of intercultural democracy that would facilitate participation by ethnic and racial minorities in the political process. He was of the view that education would be a particularly useful area of intervention and could be used effectively to combat racial stereotypes.

XI. TOPIC X. ACTION BY NGOS AND CIVIL SOCIETY: PERSPECTIVE AND BEST PRACTICES (TOPICS VI TO X WERE DISCUSSED TOGETHER; SEE BELOW)

64. Mr. Atencio López Martínez introduced topic X with a paper of the same title (HR/SANT/SEM.5/2000/BP.11). He started his presentation by reviewing some of the obstacles that NGOs faced. He said that NGOs frequently did not have the ability to express their

demands adequately and in the appropriate forums. Sometimes they were not treated with respect and their representatives had been insulted or treated as inferiors. Sometimes NGOs were even harassed and not given adequate legal protection. Frequently NGOs had to resort to international forums because of the ineffectiveness of action at the national level. He concluded that friction had developed between certain States and NGOs because of a trend by some donors to give money directly to NGOs, bypassing States. He was of the view, however, that direct contact between local NGOs and donors was beneficial in terms of concrete results.

65. Mr. López stated that one of the most important tools available to civil society and NGOs was education at all levels, and that human rights education would guarantee a future without racism, racial discrimination, xenophobia and related intolerance. It was important that the teaching and promotion of human rights should be supported by modern technology, including the Internet, to provide up-to-date information and exchanges.

66. Indigenous groups had suffered the most from explicit forms of racial discrimination, including denial of access to public office or access to education. When education was available, frequently it was not in an indigenous language and might involve studying a history that was not their own. In the worst cases, indigenous persons had been subjected to physical violence. He argued that if States would provide a broader framework for promoting NGOs that represented groups that suffered from racial discrimination, it would help eliminate the exclusionary bias against certain racial and ethnic groups and enhance the State's effectiveness in combating racism. He added that alleviating poverty was an important factor in overcoming racism, and that some States could not effectively fight poverty and help indigenous groups, Afro-Latin communities and other racial and ethnic minorities without assistance from NGOs.

67. Although quite limited in time, a short discussion of topics VI to X ensued. The representative of the Commission on International Affairs of the World Council of Churches highlighted the relationship between poverty and racism, arguing that the inequality of wealth in the region was unfair and racist. She also noted that a significant number of people in the region, be they migrants, refugees or IDPs, were obliged to leave their homes and migrate elsewhere. She argued that better protection of these persons was essential.

68. The representative of the Inter-American Development Bank stressed the need for census and household surveys to identify racial and ethnic groups. She said that the bank was financing projects with this objective.

69. The representative of Oxfam stated that racism and xenophobia could not be eliminated in isolation. She stressed that racism had an ideological base and that eliminating it was a political struggle that should be joined by political parties, NGOs and the State.

70. The representative of Argentina stated that her Government was fully committed to fighting anti-Semitism and was profoundly concerned about the bomb attacks that had occurred in her country. The Government was of the view that education was an effective tool to combat racism and had implemented concrete measures to this effect.

71. Mr. Hernández, an expert, said that it was important that States in the region report periodically on the situation of racial and ethnic groups, so that there could be a dialogue with NGOs and civil society. He also said that African and Afro-Latin American history should be included in textbooks and taught in schools.

72. Mr. Rodríguez, an expert, expressed the view that anti-discrimination laws should penalize racist advertising. He also expressed the view that compensation should be paid for acts of racial discrimination. He added that it was important for States to apologize to groups that had been subject to racial discrimination in the past, including Afro-Latin Americans, indigenous peoples, Jewish communities and the Roma.

XII. CLOSURE OF THE EXPERT SEMINAR

73. The Chairperson circulated draft conclusions and recommendations to the participants in the seminar. After a discussion of the text, the experts agreed to adopt in principle the conclusions and recommendations, and that the Chairperson would take into account the comments made when he finalized the text.

74. The Deputy High Commissioner for Human Rights made a brief statement. He said that he had heard the message of the relative "invisibility" of racial and ethnic minorities in the region. He had heard the view expressed that there was a tendency in certain States to deny the existence of racial discrimination as a way of maintaining the status quo, and as a rationale for not addressing social and economic problems that racial and ethnic minorities experienced. He also had noted the position that lack of access to wealth by Afro-Latin Americans, indigenous peoples and other racial and ethnic minorities was intertwined with the issue of racial discrimination. The Deputy High Commissioner indicated that he was somewhat fearful that some States had possibly lost touch with their people who were frequently disadvantaged by racism. He proposed a universal culture of human rights in each State as a strategic concept that might help overcome the problems posed by racism, racial discrimination, xenophobia and related intolerance. He thanked the Chairperson, the experts and all the other persons who had taken part in the seminar, and closed the meeting.

XIII. CONCLUSIONS AND RECOMMENDATIONS OF THE EXPERT SEMINAR

75. The conclusions and recommendations adopted by the expert seminar are reproduced below.

Conclusions

1. The seminar confirms the existence and persistence of racism and xenophobia as social attitudes, based on prejudices and stereotypes, within Latin American societies. Racial discrimination, xenophobia and intolerance are practised, to varying degrees and in varying forms, in Latin American and Caribbean societies. Discrimination on racial grounds is rooted in the history of Latin American societies and affects in particular indigenous peoples and Afro-Latin American groups, populations and peoples. The seminar notes that the victims of racial discrimination, xenophobia and intolerance also include mestizos of indigenous or African

descent, along with certain minorities such as the Jewish and Roma communities. Migrant workers with certain ethnic characteristics or of a particular national origin are also victims of xenophobia and racial prejudice, like other displaced populations.

2. The seminar considers discrimination on grounds of race a most deplorable and shameful phenomenon, a blot on society that must be totally eradicated from the social, political, economic and social life of our continent.

3. In many Latin American and Caribbean societies and States there is no explicit recognition of the problems of racial discrimination, with many defending the old thesis, refuted by history, that denies the existence of such phenomena. In many Latin American societies it is claimed that the phenomenon does not exist. The seminar considers silence on the question of racial discrimination to be a very generalized phenomenon that adversely affects or directly prevents the formulation of public policies and social criticism in order to overcome it. The World Conference will offer an opportunity for putting this often hushed-up issue of racism, racial discrimination and xenophobia on the floor for debate and into the plans of action. The seminar considers that in every region of the world and in every Latin American country or society the forms taken by racism are different and must be carefully explored.

4. The seminar also concludes that the denial of discrimination and racism continues to be the main attitude to fight against at both the State and the sociocultural level. In some countries there is a tendency to minimize or refuse to recognize the issues of racial discrimination, xenophobia and intolerance. This contributes directly or indirectly to the perpetuation of such practices.

5. The seminar also confirms the persistence of discriminatory behaviours, cultural patterns and social practices based on racism and xenophobia. The resurgence of doctrines and political movements that incite racial hatred and xenophobia, particularly in industrialized countries, is a dangerous trend that may lead to the emergence or development of similar ideas or movements in Latin American and Caribbean societies. The seminar calls for the creation of early warning systems to prevent these practices, which unfortunately are reappearing worldwide. It calls upon States to adopt the necessary legislation to prevent new forms of racism and xenophobia and urges them to develop plans and programmes to eradicate the historic forms in evidence in our countries.

6. The seminar has concluded that racist practices are deeply rooted in the history of our societies. The roots of racism are to be found in colonialism and its prejudices, which to this day have not been overcome, especially towards indigenous peoples, and in the processes that led to the establishment of slavery in the Americas and still persist in the culture, with systems that were built up throughout history and that strongly affect current social conditions. The seminar calls on States to formulate educational and cultural programmes that will bring a critical analysis to bear on American history, identify the sources of racism and enable new generations to learn in an atmosphere of greater tolerance and better relations between human beings.

7. The seminar indicates that the main groups affected by racial and ethnic discrimination are communities of African origin and indigenous peoples, together with the individuals belonging to them. Special mention should be made of groups of refugees, immigrants and

displaced people belonging to those categories. To racial and ethnic discrimination and xenophobia must be added, moreover, the discrimination particularly affecting women, children, teenagers, the elderly and the handicapped, who suffer the combined effects of several kinds of discrimination.

8. Indigenous peoples have been historically discriminated against in Latin America owing to the colonial heritage. Discrimination takes place at the individual and collective levels. At the individual level, indigenous persons are often seen as second-class citizens and are not respected in society. In many countries they constitute the poorest sectors of the population. At the collective level, indigenous peoples are discriminated against inasmuch as their rights, their lands and territories, their language and culture and their right to self-government are not recognized. The seminar indicates that the way to combat racism and ethnic discrimination is the full recognition and exercise of the rights of indigenous peoples. It therefore considers that the Regional Conference for the Americas and the World Conference will be auspicious occasions for States to commit themselves to ratifying the international conventions, in particular ILO Convention No. 169, to finalize and promulgate the Charter on the Rights of Indigenous Peoples of the Organization of American States, and to work actively together towards the finalization and approval of the Draft United Nations Declaration on the Rights of Indigenous Peoples that is being prepared by the Commission on Human Rights.

9. Historical and current processes of racial discrimination weigh heavily upon Afro-Latin American groups, populations and peoples in many Latin American societies. The covering-up of these processes must cease so as to make possible the organization of these populations' access to land in the case of rural peoples where necessary, and full exercise of their rights, both individual and collective. The World Conference will provide an appropriate forum for Latin American societies to take stock of the relations that exist with populations of Afro-American origin and for States to draw up legislation for protecting those populations from racial discrimination.

10. Racial discrimination and the various forms of xenophobia present in the region generally extend also to mestizo populations with marked indigenous or Afro-Latin American features. These sectors of the population are subjected to acts of non-institutionalized racial discrimination in various domains of public and private life. Though in many countries it affects the bulk of the population, discrimination against mestizos with marked indigenous or Afro-Latin American features is manifestly an invisible phenomenon at the level of State policies. It tends to go unacknowledged and consequently the victims cannot undertake the defence of their rights and dignity. This kind of racial discrimination constitutes a structural situation in most societies of the region. Mestizo migrants, as a general rule, also suffer from various forms of discrimination, exclusion or racial prejudice when they move to other countries in the same region.

11. The seminar draws attention to the plight of thousands of refugees migrating or displaced by violence, who are often discriminated against because of their racial, ethnic or national characteristics. This is a problem of the greatest importance in Latin America and the seminar concludes that it must be properly addressed by the World Conference.

12. The seminar recognizes the vulnerable situation in which migrants are placed in countries of transit and reception when faced with violent or non-violent manifestations and acts of racism

and xenophobia, and concludes that the World Conference must adopt effective and concrete measures to promote and protect the human rights of migrants, irrespective of their migratory situation.

13. There is a high degree of correlation between discrimination, inequality and inequity; this correlation indicates that discrimination and racism are at the same time a cause and an effect of conditions of poverty and vulnerability. The persistence and resurgence of discriminatory practices and racist and xenophobic attitudes are associated with the exclusion of broad sectors of society from access to material resources, to services and to participation. The seminar notes that in many countries the poorest sectors are those made up of indigenous peoples or populations of Afro-Latin American origin. An appeal is launched to States to take cognizance of this manifest form of discrimination and develop policies to overcome it.

14. The seminar concludes that the issues of racial discrimination and racism are matters that affect people in their daily life, in their subjectivity, and in their way of life, their thoughts, their dreams. The racial question has penetrated the deepest reaches of social life and, as a result, its importance is decisive. The World Conference offers an extremely important opportunity to tackle these questions and the debate should not be feared, but rather faced with the truth.

15. The seminar concludes that racial discrimination affects broad sectors of Latin Americans and Caribbeans in terms of their prospects for work, social advancement, family and personal development. Along with Afro-American and indigenous people, who are most affected, other groups suffering this social evil are mestizos with indigenous features or of African descent. Migrant populations are generally victims of structural discrimination in the form of exclusion of various kinds, including restrictions on entry to the labour market and on equal access to State institutions. Similarly, many also suffer from racial prejudice and discrimination in their private lives. The recommendations seek to eliminate this situation using different methods and paths. In the knowledge that this is a long-term process, there should be no holding back from campaigns and actions designed to achieve these objectives.

16. In their foreign policies and international reporting, the region's States advocate, albeit with varying degrees of commitment, legal and ethical values such as equality and non-discrimination, which are not compatible with racism and xenophobia. In this sense, they subscribe to customary positive international human rights legislation prohibiting any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. Often constitutions affirm these principles with no examination of what is happening in real social life. The seminar concludes that it is necessary to look at judicial and constitutional forms and declarations, along with observing social practices that are often inconsistent with these.

17. The fight against discrimination, racism and xenophobia must include recognizing and promoting multiculturalism and multi-ethnicism. A negative and opposing attitude to racist practices should be accompanied by a positive look towards the building of multi-ethnic

societies, which value diversity and respect the dignity of individuals and peoples to the full. The search for more equitable democracies and social life requires affirming an outlook in which cultural and, of course, racial diversity is a shared value.

18. The seminar concludes that very important fields of action exist, in which racism and xenophobia operate and must be fought: in the first place, access to resources, especially land, for both indigenous and Afro-Latin American peoples, and other vulnerable groups suffering discrimination. Secondly, the seminar calls attention to the importance of education both for groups discriminated against and for the population in general. The recommendations clearly indicate the need to guarantee access to education for all and to reform school study programmes so as to teach new generations more democratic and tolerant practices, which treat diversity as an integral component of the capital and wealth of Latin America and the Caribbean. Thirdly, the seminar emphasizes health care, given that these groups in general suffer from a lower quality of life, from shorter life expectancy and from health problems in general. Fourthly, employment opportunities and access to work are often limited owing to racial discrimination or xenophobia and States are called upon to develop measures to eliminate these situations. Fifthly, action is called for to combat the increasingly frequent manifestations of racism and xenophobia against migrants in societies where they are present.

19. One extremely important aspect is access to justice and the administration of justice for and in relation to the aforementioned groups subjected to discrimination. The seminar finds that in many countries indigenous peoples and Afro-Latin American groups have difficulty in obtaining access to justice, owing either to prejudice, to stereotypes, to language difficulties, to the remoteness of the courts or to other reasons. In the administration of justice we find that the number of detained persons belonging to these groups is disproportionate and often bears no relation to the percentage they represent among the total population. The same situation is found in the prisons, where there exists a very high degree of victimization and stigmatization of populations of African descent and of indigenous and other vulnerable groups mentioned here. The seminar appeals to States to take due note and undertake activities designed to put an end to this particular form of discrimination on grounds of race, ethnic group, culture and language.

20. The seminar deplores the scant respect accorded to the findings of the first two World Conferences to Combat Racism and Racial Discrimination, which recognized that indigenous peoples should have access to land and natural resources, taking into account above all the fundamental importance of their rights to land and natural resources, and to their traditions and aspirations. The seminar hopes that forthcoming conferences, and in particular the World Conference, will clearly spell out the rights of indigenous peoples, which is the only way of putting an end to discrimination against them.

21. The seminar clearly indicates that none of these policies will be successful unless it is applied with the full participation of the affected peoples. The principle of full participation must be established within the process of developing the World Conference and should become a key element in policies aiming at eradicating racial discrimination in all its forms.

22. Political participation is a decisive element within policies and measures to overcome discrimination and racism. Special mention is made of the participation and full recognition of

indigenous peoples and Afro-Latin Americans. The State must take measures to recognize their existence and establish regulations that allow them to participate as decision makers in their own development, in the control of their culture and in many other aspects central to the dignity and respect these peoples deserve.

23. The seminar concludes that throughout this process the Afro-American question has proved to be a factor and an emerging issue that must be considered during the World Conference. During the seminar, the voice of the Afro-American world has reported a long history of injustice, discrimination and shameful treatment. The World Conference should call on States to initiate a process of change in policies and conduct affecting these populations. States should carry out symbolic actions asking for pardon for the abuses committed, thus showing their societies that policies of this kind must not continue and that racial discrimination, racism and xenophobia must be totally eradicated.

24. To conclude, the expert seminar expresses its expectation that the forthcoming Regional Conference for the Americas will accept these positions, develop them and transform them into action plans that will enable progress to be made in the elimination of all forms of racial discrimination from the continent.

Recommendations

General

1. The World Conference should urge Member States to recognize, publicly and systematically, that racism is a serious and deeply rooted problem which must be fought. Empowerment of groups facing racial discrimination can be increased by more effective implementation of economic, social and cultural rights, along with better access to justice. This recognition is essential for identifying problems and developing public policies to fight racism and racial discrimination.

2. The World Conference should recommend to States to recognize the importance of the cultural heritage of marginalized racial and ethnic communities and promote respect for that heritage. States should also encourage cross-cultural dialogue in order to generate more international understanding through recognition of the great achievements of indigenous and African civilizations as part of the common heritage of humanity.

3. The World Conference should encourage all States, intergovernmental organizations, regional organizations and civil society organizations to participate in promoting multicultural, multiracial and multi-ethnic aspects of society.

4. It is indispensable that States and societies as a whole recognize the existence of various non-institutionalized forms of racial discrimination directed against mestizos of markedly indigenous or Afro-Latin American descent. Such recognition constitutes the starting point for the furtherance of policies and actions to combat racism and discrimination.

5. States must promote and generalize respect for human rights, and in particular for rules regarding measures for combating racism, racial discrimination, xenophobia and related forms of intolerance, and for rules designed for the protection of marginalized racial and ethnic groups.

6. The expert seminar recommends that the Plan of Action of the World Conference and the Plan of Action of the Regional Conference for the Americas should contain practical strategies and plans of action, at the international, regional and national levels, designed to combat racism and racial discrimination and include specific, measurable goals, reference points and indicators for measuring progress, timetables for attaining objectives, and resources and mechanisms for monitoring implementation and the fulfilment of the commitments undertaken.

7. The World Conference is requested to urge Governments to institute routine monitoring of the situation of marginalized racial and ethnic groups, through periodic sampling and compilation of statistical information disaggregated by race or ethnic group, particularly with regard to such fundamental economic and social indicators as infant mortality rate, life expectancy, literacy rate, level of education, access to employment, housing and health services, and average disposable income. Special attention should be paid to the importance of research into the impact of racial discrimination on the enjoyment of those rights, and to the publication of the conclusions.

8. The World Conference should urge all Governments to establish, where none exist, and strengthen where they do exist, human rights bodies (public defenders, human rights attorneys, ombudsmen, etc.). These bodies should have the following characteristics:

(a) They must conform to the principles relating to the status of national human rights institutions for the promotion and protection of human rights ("Paris Principles");

(b) They must have a unit specialized in racial discrimination;

(c) They must have a broad mandate in terms of both issues and authority;

(d) They must be visible and accessible to the population;

(e) They must be able to initiate investigations, issue recommendations and institute legal proceedings in cases of racial discrimination;

(f) Their personnel must be representative of the population they serve.

9. It is recommended that Governments set up interdisciplinary groups composed of members of the Government and of civil society for the purpose of preventing the emergence and/or continuation of serious racial and/or ethnic conflicts detrimental to peace and to the harmonious coexistence of groups and individuals in the countries where the conflict breaks out.

10. The World Conference should urge States, intergovernmental bodies and international financial institutions to set up funds for assistance to those who have undergone the severe consequences of racism, racial discrimination, xenophobia and related forms of intolerance.

11. The seminar encourages the courts to ensure that their composition reflects the diversity of the population and, in particular, the racial and ethnic groups subject to discrimination.

12. The seminar appeals to States to address the problem of discriminatory application of the law to the disadvantage of indigenous peoples, peoples of African descent, mestizos, migrants and displaced persons. Special attention should be accorded to racism in the administration of justice, among law enforcement officials, and in criminal justice systems.

13. The seminar lays special stress on the importance of investment in women's education, which it considers to be one of the most cost-effective investments in development. Indigenous women, along with Afro-Latin American women, have very low levels of literacy and education. The seminar emphasizes that it is essential to invest in indigenous and Afro-Latin American women. Governments and international organizations must give special importance to promoting the well-being of indigenous and Afro-Latin American women, and also to he expansion of their economic and social opportunities.

14. The World Conference should motivate States to:

(a) Adopt and apply legal measures regarding ownership of land by indigenous and Afro-Latin American peoples, including the cultural aspects of the forms of appropriation and the religious factors involved;

(b) See to it that wherever there exist investment projects for the exploitation of raw materials, mining or petroleum extraction in territory belonging to indigenous or Afro-Latin American peoples, those projects are reported to and discussed with the peoples concerned, who must have the chance to benefit from them;

(c) To conduct social impact evaluations of all projects or activities affecting indigenous or Afro-Latin American peoples, in order to safeguard their cultural and human aspects.

15. The World Conference should recommend to the United Nations system the creation of a special mechanism to coordinate all the Organization's activities in regard to the fight against racism (including field operations) and to see to the putting into effect of the Declaration and Plan of Action arising from the World Conference.

16. Similarly, the World Conference is requested to call upon the United Nations system to establish, with the technical assistance of the Office of the United Nations High Commissioner for Human Rights, an inter-American operational unit to concentrate on the fight against racism.

17. The Office of the High Commissioner for Human Rights and ILO should, within the scope of their activities and projects, cooperate to promote the elimination of racial discrimination in the economic and social spheres, particularly in employment.

18. It is recommended that banking institutions establish investment and loan programmes directed towards the development of Afro-Latin American and indigenous communities. The development policies promoted at the international, regional and national levels should provide for a percentage quota of programmes to be channelled to those communities.

Legal rules and their application

19. The World Conference should urge Governments that have not yet done so to accede to the International Convention on the Elimination of All Forms of Racial Discrimination and to declare, in line with the provisions of article 14 of the Convention, that they recognize the competence of the Committee on the Elimination of Racial Discrimination to consider communications from individuals or groups claiming to be victims of violations of the Convention.

20. States in the region that are not parties to the International Convention on the Elimination of All Forms of Racial Discrimination should expedite the process for its ratification, or accede to it before the holding of the World Conference.

21. The World Conference should call upon States to enforce respect for and guarantee the rights set forth in the six main international treaties and regional instruments on human rights, including ILO Conventions Nos. 169 and 111, and to fulfil their obligation to report regularly to the treaty supervisory bodies, with special reference to the principle of non-discrimination contained in each of these treaties.

22. The seminar urges the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, approved under United Nations auspices on 18 December 1990.

23. The World Conference should encourage Governments to strive to ensure the regular and effective application of existing legal provisions in the area of discrimination and to amend all provisions that still contain elements of racial discrimination. In particular, Governments are encouraged to adopt measures to guarantee that all sectors of society, particularly marginalized ethnic groups, enjoy equal access to education, and that this includes multicultural and intercultural aspects and materials on the cultures and history of all social groups and on human rights; and that provision be made for the training of officials (including police officers, attorneys, judges and teachers) on the international regulations prohibiting racial discrimination and their applicability domestically.

24. The seminar affirms that the establishment of more effective measures against racial discrimination should include the following:

(a) Recognition of the need for a package of preventive and deterrent measures; the cultural change to be achieved through educational programmes must be in the forefront of preventive measures, but deterrent measures are equally essential, for example:

(i) Adoption of a law against racial discrimination and its incorporation into national legislation; such a law could be modelled on United Nations publication HR/PUB/96/2;

(ii) Extension of legislative measures prohibiting racial discrimination in all areas of the public and private sectors, including employment, training, education, housing, provision of goods and services, immigration policy, the administration of justice, and law and order;

(iii) Enactment of legislation providing for adequate civil compensation of victims of racial discrimination;

(b) Provision should be made for rehabilitation of the perpetrators and victims of racism by means of truth commissions, apologies, and the establishment of victims' compensation and reparation funds, as appropriate.

25. States are urged, with regard to the procedural remedies provided for in their domestic law, to bear in mind the following considerations:

(a) Access to such remedies should be as wide as possible;

(b) The existing procedural remedies must be made known in the context of the relevant action, and victims of racial discrimination should be helped to avail themselves of them according to the case;

(c) Complaints of racial discrimination must be settled as rapidly as possible, a reasonable time limit being set for the relevant inquiries;

(d) Indigent persons who are victims of racial discrimination should receive free legal assistance and aid in the complaint proceedings and, where necessary, provided with the help of an interpreter in civil and criminal cases;

(e) States should be urged to create national bodies competent to investigate allegations of racial discrimination;

(f) Steps should be taken towards the enactment of legislation to penalize discriminatory practices on grounds of race or ethnic origin and provide for adequate compensation of the victims;

(g) Access to legal remedies should be facilitated for victims of discrimination and their legal capacity recognized by means of legislative reforms to enable non-governmental institutions or organizations to intervene legally on their behalf and through the preparation of programmes to enable the most vulnerable groups to have access to the legal system.

26. Law enforcement officers must be aware that racial discrimination is against the law and that it is their duty to ensure that that prohibition is respected. Governments are also encouraged to adopt positive measures to guarantee that public officials (including police officers) who

commit racist acts, in particular abuses motivated by racial hatred, do not enjoy immunity and are brought to trial according to international standards; and that financial resources and personnel are allocated to ensure that the above is carried out.

27. States must pay special attention to the definition of racial discrimination that appears in article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, according to which the term "racial discrimination" means "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". It is important that nationwide campaigns should be carried out to make this definition better known among State bodies, including the judicature and the police forces, and among civil society organizations, including associations that work with vulnerable groups, particularly indigenous and Afro-Latin American populations.

Education and information

28. States are urged to make effective use of education, teaching and training to create an atmosphere conducive to the eradication of racism and racial discrimination. These tools should serve as means for exposing the myths and fallacies of the theories, philosophies, ideas and attitudes characteristically motivating discriminatory actions based on differences of race, colour, descent, and ethnic or national origin. States should strictly apply the principle of non-discrimination and equality in education set forth in many international human rights treaties, including the UNESCO Convention against Discrimination in Education.

29. The World Conference should encourage the education, training and development of indigenous and Afro-Latin American peoples so that they themselves can draw up proposals to ensure the progress of those populations towards full development on equal terms.

30. The World Conference is recommended to urge Governments, students and civil society to promote the teaching in the region's schools of values that treat religious, linguistic and racial differences as part of its wealth and its potential for regional integration.

31. The seminar requests States to accord particular attention to anti-discriminatory education of children with a view to developing future generations with more positive attitudes towards diversity. Study of the Universal Declaration of Human Rights should form part of the curriculum of basic school education.

32. The region's Governments are encouraged to include in their school curricula and in teacher-training programmes material on the history and achievements of peoples of African and indigenous descent. The specific goal of this educational reform should be to combat the stereotypes hostile to those groups prevailing among the general population.

33. States are recommended to train lawyers, public officials, magistrates, judges and prosecutors on the subject of anti-discriminatory legal measures.

34. The campaign against racial discrimination should include measures to ensure that messages transmitted by the mass media (television, radio, cinema, the print media, etc.), particularly where addressed to children and young people, do not directly or indirectly portray stereotypes or contain clichés or slogans likely to foster racial prejudice. On the contrary, the media should endeavour to familiarize people, in a universal perspective, with various aspects (philosophical, legal, literary or artistic) differentiating other civilizations from their own.

35. The seminar recommends to States a legislative review of the functioning of any mass communication media that promote racist and discriminatory stereotypes. Further, States should adopt a code of conduct for communication media.

36. Governments must watch out for the improper use of technology, especially the Internet, as a channel for racist discourse and for incitement to violence and crime motivated by racial hatred.

37. NGOs and artists, as independent communicators, should coordinate their efforts to reach the largest mass-media audiences and achieve greater effectiveness in the consolidation of multi-ethnic and multicultural democracy.

Participation

38. Governments, national institutions and non-governmental organizations must be aware that international law also recognizes measures providing for differentiated treatment, and in some cases obliges Governments to apply special measures for guaranteeing de facto as well as de jure equality, and to act accordingly with respect to such groups as have been subjected to systematic discrimination. The principal measures that Governments can adopt in this regard include assessment and intensification of the training provided for vulnerable groups and active recruitment of members of those groups to serve in the administration, including the police forces, the prosecution service and the judicature.

39. Members of the various vulnerable groups should be able to enjoy economic and social rights on an equal basis. In situations where members of a particular group are in a weaker position than those of another group, measures of affirmative action should be adopted on a transitional basis to redress the inequality. Specific policies to that end should be formulated in close cooperation with members of the affected groups, in particular Afro-Latin American and indigenous peoples.

40. Vulnerable groups should, on an equal basis, participate in, contribute to, and benefit from the right to development. Consequently, development policies should be conducted in ways that reduce the disparities that may exist between different groups. Groups receiving assistance should always be fully consulted with regard to development projects affecting the regions where they live.

41. Governments, the private sector and international financial institutions, particularly the World Bank and Inter-American Development Bank (IDB), are encouraged to promote the participation of indigenous and Afro-Latin American groups in the adoption and implementation of development projects.

42. The seminar recommends that the objectives of the Citizens' Conference of non-governmental organizations of the Americas should include the following:

(a) Actively involving citizens, racially and ethnically marginalized peoples and civil society organizations in the elimination of practices of racism, xenophobia, intolerance and discrimination in the region;

(b) Giving greater visibility to the various situations affecting the victims of racism, xenophobia, intolerance and discrimination in the region;

(c) Proposing strategies for effective and full equality, together with measures of prevention, redress or compensation for racism, racial discrimination, xenophobia and related forms of intolerance;

(d) Strengthening alliances and coalitions between NGOs and other civil society organizations in the region that are working to promote human rights;

(e) Carrying out citizens' follow-up of the World Conference and its preparatory meetings, and supervising the commitments entered into by Governments and States.

Indigenous peoples

43. The seminar recognizes the inherent dignity of indigenous peoples and their outstanding contribution to the development and plurality of society.

44. The seminar recommends that Governments intensify processes of constitutional reform relating to the protection of indigenous peoples' rights.

45. The seminar encourages States to consolidate the process of recognition of indigenous peoples' rights, particularly the adoption of the declarations of the United Nations and the Organization of American States on indigenous peoples.

46. States are encouraged to take measures for reforming the various institutions of the public administration so that, in their respective areas of competence, they collectively serve these peoples and their members.

47. The World Conference is requested to encourage States to:

(a) Assure full and free participation of indigenous peoples in all phases of the processes of decision-making on all aspects relating to society, particularly on subjects of concern to them. In particular, States should grant recognition to indigenous peoples' institutions for self-government and self-management, whose competencies should be respected;

(b) Respect the self-government of indigenous peoples as an instrument for combating racism, which in turn implies respect for and recognition of indigenous peoples' religion, intellectual property and collective rights;

(c) Recognize the right of indigenous peoples to the ownership, exploitation, control and utilization of their land and territories, including natural resources. In particular, States should complete the demarcation of indigenous lands and ensure their effective protection;

(d) Recognize the right of indigenous peoples to determine their own priorities for the development of their lands and obtain their free and informed consent before approving any projects affecting them. States should immediately halt projects on indigenous lands that threaten the lives and livelihoods of indigenous peoples;

(e) Ensure that indigenous peoples have access to all levels and forms of State education. In particular, States should provide financial support to help indigenous persons continue their studies and their post-school training, thereby contributing to equitable access to education for all groups in society. States should also support indigenous peoples seeking to establish their own educational institutions, so that they can transmit their languages, cultures and values to future generations;

(f) Ensure that indigenous peoples have access without discrimination to all health and medical care services. In particular, States should help indigenous peoples to maintain their traditional medicines and health practices where these are effective and culturally acceptable to the people concerned;

(g) Ensure that indigenous peoples are treated equally before the courts and other bodies administering justice, in particular by ensuring, where necessary, that indigenous peoples are provided with adequate translation services in legal cases. Stress is also laid on the transparency of judicial procedures and the independence of the judiciary;

(h) Provide support for the establishment of indigenous peoples' own legal and justice administration systems in accordance with international human rights standards;

(i) Provide adequate resources and support to the newly established Permanent Forum on Indigenous Issues. In particular, the Economic Commission for Latin America and the Caribbean is called upon to organize, in cooperation with Governments and competent regional bodies, with United Nations organizations and specialized agencies, and with financial institutions, a consultation with a view to developing a regional inter-agency initiative to eradicate poverty and disadvantage among indigenous peoples in the region;

(j) Reaffirm the commitment to adopting a declaration on the rights of indigenous peoples as quickly as possible. In particular, States in the region are encouraged to hold regional consultations with indigenous organizations and peoples to enhance understanding and build consensus.

48. The international community is urged to convene an international conference on indigenous peoples at the end of the International Decade of the World's Indigenous People (1995-2004).

49. Given the subordinate and at times almost clandestine conditions in which the right to use the mother tongue is exercised among marginalized indigenous populations, the creation of conditions of equality with the officially recognized national language demands considerable efforts to make possible the real development of those forbidden languages. Such actions are essentially bound up with education and social communication.

Afro-Latin Americans

50. All countries in the region should acknowledge the existence of the population of African descent and collect and analyse relevant information to determine their living conditions and the level of expropriation that they are subjected to. Information on race and ethnic group is best collected by using national censuses and national household surveys addressing issues such as employment, education, health, housing, sanitation and access to land, credit, etc. Advice from Afro-Latin American organizations should be sought for the suitable drafting of questions relating to the issue of ethnic origin.

51. It is imperative that the region's States invest heavily in education to break the vicious circle of inequality suffered by Afro-Latin Americans and reproduced by the educational system. Improving the public schools and raising the quality of teaching in the poor areas where the population of African descent live means dignifying the work of the teachers by offering them proper salaries, training and teaching materials, together with an adequate infrastructure. Discriminatory contents of school texts, daily practices and norms should be revised.

52. It is requested that Afro-Latin American people should be declared a priority vulnerable group for receiving development programmes, particularly those that deal with relieving, reducing or eradicating poverty, and environmental programmes.

53. Governments developing programmes and projects specifically for populations of African descent are requested to promote comprehensive development as a means of overcoming the consequences of racism, discrimination and racial inequality.

54. The World Conference should encourage the creation of a voluntary fund to provide support, facilities and space to enable the victims of racial discrimination to make themselves seen and heard in the national and international spheres, on the lines of the Permanent Forum on Indigenous Issues.

55. It is requested that States quickly recognize and regulate title to lands traditionally occupied and worked by Afro-Latin American communities, in accordance with ILO Convention No. 169. If necessary, national legislation guaranteeing the right to such lands will have to be developed.

56. Governments are asked to allocate part of their budgets for governmental publicity to publicizing and promoting action taken to fight racism and racial discrimination.

57. It is recommended that governments and international loan organizations invest a percentage of their external loans in effective actions to eradicate racism and discrimination.

58. It is essential to develop a programme of tax incentives for private firms that have policies and plans of affirmative action targeted at Afro-Latin Americans.

59. Governments in the region are urged to give particular priority to development strategies through the strengthening of small and medium-sized enterprises, including rural industry, in areas where the Afro-Latin American population is concentrated, in order to create jobs for those groups.

60. Affirmative action should be taken in both the public and the private sector. The public sector should especially analyse the factors that impede the progress of Afro-Latin Americans to senior posts and take suitable measures to remove those barriers. The private sector should analyse its personnel policies with regard to recruiting, salaries, promotions, etc., in order to promote workforce diversity at all levels of responsibility in the enterprise.

61. Legal protection for domestic workers is essential to guarantee their enjoyment of the most essential human rights. Special training programmes for Afro-Latin American youth targeting modern sectors of the market should be developed, offering them real alternatives of inclusion. Alternative economic activities such as handicrafts or other traditional activities should be supported.

62. Special attention should be paid to the multiple discrimination inflicted on Afro-Latin Americans on grounds of gender, sexual orientation, physical disability and health status. The combination of racial and gender discrimination results in increased vulnerability for women of African descent, many of whom are subjected to sexual exploitation and trafficking. Homosexual men and women are subject to harassment that often culminates in injury and death. The Seminar notes that in many countries of the region HIV/AIDS incidence is high among Afro-Latin American men and women and special attention should be given to confronting the added difficulties resulting from multiple discrimination. It should be pointed out that sexual freedom and reproductive rights are an integral part of human rights.

63. The World Conference should recommend to the World Bank, and the Regional Conference to the Inter-American Development Bank, the adoption of operational policies on Afro-Latin American peoples similar to the existing World Bank policy with regard to indigenous peoples. This policy should establish priorities and modalities of consultation and participation for Afro-Latin American peoples in determining policies, credits, plans, etc.

64. The World Conference should encourage States to:

(a) Incorporate practices that are culturally appropriate within the guidelines governing development programmes targeted at Afro-Latin American peoples. These practices must emphasize community participation, self-determination and self-sufficiency, honesty, transparency and a commitment to those who are poorest;

(b) Channel investment in social and economic development to areas with a high density of Afro-Latin American population. These investments must begin by strengthening the institutional and organizing skills of Afro-Latin American communities;

(c) Create incentives for involving a larger number of professionals of African descent in development programmes for Afro-Latin American communities;

(d) Encourage inter-agency coordination in the planning and implementation of programmes for Afro-Latin American communities and ensure that this coordination includes organizations concerned with these processes in their respective countries.

65. The seminar takes note of the fact that, to ensure that measures to protect Afro-Latin Americans are effective, the following criteria must be met:

(a) The profile of Afro-Latin American and Caribbean communities and their organizations must be raised;

(b) Equality and access to all responsible bodies and to economic, social, political and cultural resources must be ensured;

(c) Gender and ethno-racial perspectives must be included;

(d) Full participation and leadership by Afro-Latin American communities must be encouraged.

66. The seminar invites States to compile and regularly update official figures on the social and economic status of the Afro-Latin American and Caribbean populations. These figures will provide a framework for implementing affirmative action measures at the national and regional levels to prepare and rectify the race-based colonial structure on which the States of the region were founded.

67. The seminar recommends to the United Nations that it establish a committee on questions concerning peoples of African descent. This committee would receive requests from those peoples and recommend the appropriate body to help find solutions in accordance with international agreements. This would involve having a permanent round table for dialogue within the United Nations, thus guaranteeing that the committee would include members proposed by organizations representative of those peoples.

68. The seminar recommends to the United Nations system that experts of African descent should be included in human rights treaty bodies.

69. Governments are invited to incorporate the history and achievements of peoples of African descent in educational curricula and at every level of teacher training.

70. States are urged to promote constitutional reforms that will guarantee for Afro-Latin American peoples:

(a) Full enjoyment of economic, social and cultural rights;

(b) Civil and political rights on equal terms.

71. States are requested to ensure that, in the selection of personnel for governmental posts, professionals of African descent should be included in:

(a) Programmes and projects channelled to such peoples;

(b) Governmental decision-making bodies;

(c) The delegations of diplomatic missions.

Migrants

72. Governments should be urged to adopt and apply concrete measures for the effective protection of the rights of migrants confronted with acts or manifestations of racism or xenophobia.

73. The seminar requests States that are parties to international human rights instruments to submit, or include in their reports, information on legislative or administrative measures to protect the human rights of migrants in their territory or under their jurisdiction.

74. The seminar expresses support for Governments of receiving countries that take appropriate public information measures to promote understanding of differences from a constructive and non-exclusive viewpoint. This will mean conducting campaigns against xenophobia, racism and all forms of discrimination. The nationals of receiving countries should be sensitized to the situation of women and child migrants.

75. The seminar recommends that it should be considered essential to publicize in countries of origin, transit and destination the various regional and international conventions that have been signed and ratified by States regarding the protection and defence of the human rights of migrants, and all those instruments designed to combat racism, racial discrimination and xenophobia, together with the legal instruments for protecting those rights.

76. The seminar supports the development of forums for dialogue, reflection and consultation between Governments, civil society and the international community concerning migratory processes, human rights of migrants from a gender perspective, and situations of racism, racial discrimination and xenophobia that particularly affect this vulnerable group.

77. The seminar recommends carrying out an effort to train immigration officials, border police and staff of migrant detention centres in human rights, especially the human rights of migrants, in order to avoid situations where such prejudices lead to decisions and acts of racism, xenophobia and discrimination.

78. The seminar encourages measures to promote the ratification of the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, specifically among countries receiving migrants. The migrant population placed in vulnerable situations in receiving countries need their States of origin to ratify the Convention,

since its entry into force will make possible the effective protection of the human rights of migrants with or without valid papers, providing legal instruments for the development of domestic legislation and mutual agreements between States to prevent clandestine traffic in and movements of workers.

Refugees and displaced persons

79. The seminar demands from the region's Governments greater compliance with their international commitments regarding protection and promotion of the rights of refugees, asylum-seekers and displaced persons.

80. The seminar calls upon governmental authorities for effective application of national policies and regulations designed to protect refugees, asylum-seekers and displaced persons. To this end, Governments must draw up the relevant regulations and encourage participation in their framing and in the decision-making process of the persons affected or the organizations that represent them.

81. The seminar encourages the application, with no exceptions, of the fundamental principle of non-refoulement in order to provide protection to refugees.

82. The seminar encourages the design of protective structures and networks, with the complementary participation of State, governmental and non-governmental bodies in the areas of their competence and responsibility, to guarantee the effective exercise of the right to seek asylum.

83. The seminar supports frameworks of cooperation between UNHCR, the Inter-American Commission and the Inter-American Court of Human Rights for the benefit of refugees and displaced populations.

84. The seminar supports action to make the Guiding Principles on Internal Displacement more widely known and ensure their observance.

85. The seminar demands a continuation of efforts to accord particular attention to the problem of groups suffering from multiple discrimination, such as women, children, the elderly and handicapped people, and to adopt an approach based on equity and with a gender focus.

Appendix I

LIST OF PARTICIPANTS

Experts

Mr. José Bengoa, member, Sub-Commission on the Promotion and the Protection of Human Rights

Mr. Roberto Cuéllar Martínez, Executive Director of the Inter-American Institute of Human Rights

Ms. María Magdalena Gómez Rivera, General Director, Department for Equality and Social Development, Mexico Federal District, and former Director of the Office of the Ombudsman for Indigenous Populations

Mr. Ibsen Hernández Valencia, Organization of Africans in the Americas (NGO)

Mr. Martin Hopenhayn, Representative of the United Nations Economic Commission for Latin America and the Caribbean

Mr. Diego Alfonso Iturralde Guerrero, Chief of the Research Unit of the Inter-American Institute for Human Rights

Mr. Atencio López Martínez, Napguana Association (NGO)

Mr. Kenneth Osborne Rattray, member, Committee on Economic, Social and Cultural Rights

Mr. Manuel Rodríguez Cuadros, member, Sub-Commission on the Promotion and Protection of Human Rights

Ms. Gabriela Rodríguez Pizarro, Special Rapporteur of the Commission on Human Rights on the human rights of migrants

Ms. Edna María Santos Roland, Fala Preta - Organization of Black Women (NGO)

Mr. Alejandro Valencia Villa, People Research and Education Center (NGO)

Mr. Mario Jorge Yutzis, member, Committee on the Elimination of Racial Discrimination

Member States of the United Nations

Argentina, Australia, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Italy, Mexico, Netherlands, Nicaragua, Panama, Paraguay, Peru, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela

Intergovernmental organizations

Inter-American Development Bank, International Organization for Migration, Pan American Health Organization, World Bank, World Trade Organization

United Nations bodies and specialized agencies

Economic Commission for Latin America and the Caribbean (ECLAC), Food and Agricultural Organization of the United Nations (FAO), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Food Programme (WFP)

Non-governmental organizations

Agencia Latinoamericana de Informacion (ALAI), Aboriginal and Torres Strait Islander Commissioner (ATSIC), Aukin Wallmapu Ngulam – Consejo de Todas las Tierras Mapuche, Baha'i International Community, Brahma Kumaris World Spiritual University, Canadian Race Relations Foundation (CRRF). Commission on International Affairs of the World Council of Churches, Council of Black Communities of São Paulo, Brazil, Educational International, Escritório Nacional Zumbi do Palmares, Grand Council of the Crees – Cree Regional Authority (GCCEI-CRA), Indigenous World Association, International Federation of University Women (IFUW), International Human Rights Law Group, International Indian Treaty Council (IITC), Organizations of Africans in the Americas (OAA), Oxfam, Soroptimist International

Appendix II

AGENDA

1. Opening of the meeting.

2. Topic I. General trends, priorities and obstacles in combating racism and racial discrimination, xenophobia and related intolerance in Latin America and the Caribbean.

3. Topic II. Indigenous peoples:

   (a) The protection of civil and political rights: equal treatment and full participation in government, access to the courts, access to private establishments open to the public and full protection of the laws;

   (b) The protection of economic, social and cultural rights: access to education, housing, health care, employment; special problems of land rights, protection of cultural identity.

4. Topic III. Migrants: economic factors, employment, status as non-citizens and the rise of xenophobia and discrimination.

5. Topic IV. Displaced persons, refugees and asylum-seekers: national practices and policies, racial discrimination in the host country.

6. Topic V. The situation of African-Americans: marginalization on the basis of race and poverty; attitudes towards cultural identity.

7. Topic VI. The situation of other vulnerable groups: various manifestations of racial discrimination in public and private life.

8. Topic VII. Strengthening human rights capacities for combating racism and intolerance, e.g. the rule of law, equal access to and treatment by administrative and judicial institutions, the role of law enforcement and prison authorities, human rights education and training, national programmes and policies to eliminate racial discrimination.

9. Topic VIII. Effective remedies against racial discrimination in the region: perspectives on more effective remedies and reforms.

10. Topic IX. Action by Governments and national human rights institutions: best practices.

11. Topic X. Action by NGOs and civil society: perspective and best practices.

12. Conclusions and recommendations.

13. Closure of the expert seminar.

Appendix III

LIST OF DOCUMENTS

Provisional agenda

General trends, priorities and obstacles in combating racism, racial discrimination, xenophobia and related intolerance: background paper by Mr. Mario Jorge Yutzis (HR/SANT/SEM.5/2000/BP.2)

Ethnic and racial discrimination and xenophobia in Latin America and the Caribbean: background paper by Mr. Martin Hopenhayn (HR/SANT/SEM.5/2000/BP.2/2)

Indigenous populations and the protection of civil and political rights: equal treatment and full participation in the Government, access to the courts, access to private establishments open to the public and full legal protection: background paper by Ms. María Magdalena Gómez Rivera (HR/SANT/SEM.5/2000/BP.3)

Indigenous populations and the protection of economic, social and cultural rights: access to education, housing, health care, employment; the special problem of land rights, protection of cultural identity and traditions: background paper by Mr. Diego Alfonso Iturralde Guerrero (HR/SANT/SEM.5/2000/BP.4)

Displaced persons, refugees and asylum-seekers: national practices and policies, racial discrimination in the host country: background paper by Mr. Alejandro Valencia Villa (HR/SANT/SEM.5/2000/BP.5)

Migrants: economic factors, employment, status as non-citizens and the rise of xenophobia and discrimination: background paper by Ms. Gabriela Rodríguez Pizarro (HR/SANT/SEM.5/2000/BP.6)

The situation of African-Americans: marginalization on the basis of race and poverty, attitudes towards cultural identity: background paper by Ms. Edna María Santos Roland (HR/SANT/SEM.5/2000/BP.7)

The situation of mestizos and other vulnerable groups: various manifestations of racial discrimination in public and private life: background paper by Mr. Manuel Rodríguez Cuadros (HR/SANT/SEM.5/2000/BP.8)

Strengthening human rights capacities for combating racism and intolerance, e.g. the rule of law, equal access to and treatment by administrative and judicial institutions, the role of law enforcement and prison authorities, human rights education and training, national programmes and policies to eliminate racial discrimination: background paper by Mr. José Bengoa (HR/SANT/SEM.5/2000/BP.9)

Effective remedies against racial discrimination in the region: perspectives on more effective remedies and reforms: background paper by Mr. Kenneth Osborne Rattray (HR/SANT/SEM.5/2000/BP.10)

Action by NGOs and civil society: perspectives and best practices: background paper by Mr. Atencio López Martínez (HR/SANT/SEM.5/2000/BP.11)

Action by Governments and national human rights institutions: best practices: background paper by Mr. Roberto Cuéllar Martínez (HR/SANT/SEM.5/2000/BP.12)

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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
Second session
Geneva, 21 May-1 June 2001
Item 5 of the provisional agenda

REPORTS OF PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

Final documents of the European Conference against Racism (Strasbourg, France, 11-13 October 2000)

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Preparatory Committee the Political Declaration, the General Conclusions and the General Report of the European Conference against Racism.

GE.01-12463 (E)

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13 October 2000

I. POLITICAL DECLARATION

WE, THE GOVERNMENTS OF THE MEMBER STATES OF THE COUNCIL OF EUROPE, ON THE OCCASION OF THE EUROPEAN CONFERENCE "ALL DIFFERENT ALL EQUAL: FROM PRINCIPLE TO PRACTICE", EUROPEAN CONTRIBUTION TO THE WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE,

STRASBOURG, 11–13 OCTOBER 2000

Reaffirm that:

Europe is a community of shared values, multicultural in its past, present and future; tolerance guarantees Europe's pluralist and open society, in which cultural diversity is promoted;

All human beings are born free and equal in dignity and rights and with a potential to contribute constructively to the development and well-being of our societies;

All persons are equal before the law and are entitled to the equal protection of the law;

Full and effective implementation of all human rights without any discrimination or distinction, as enshrined in European and other international human rights instruments, must be secured;

Racism and racial discrimination are serious violations of human rights in the contemporary world and must be combated by all lawful means;

Racism, racial discrimination, xenophobia and related intolerance threaten democratic societies and their fundamental values;

Stability and peace in Europe and throughout the world can only be built on tolerance and respect for diversity;

Equal dignity of all human beings and the rule of law must be respected and equality of opportunity promoted;

The fight against marginalization and social exclusion must be continued;

All initiatives aiming at greater political, social and cultural participation, especially of persons belonging to vulnerable groups, should be encouraged;

All States must draw lessons from manifestations of racism in Europe and in other regions of the world;

Suffering caused by slavery or which arose from colonialism must be remembered;

All States must reject ethnic and religious cleansing and genocide, in Europe and in other regions of the world, and work together to prevent their recurrence;

The Holocaust must never be forgotten.

We are conscious of and alarmed at:

The continued and violent occurrence of racism, racial discrimination, xenophobia, anti-Semitism and related intolerance, including contemporary forms of slavery, in Europe and in other regions of the world, despite efforts undertaken by the international community and national governments;

The fact that such occurrences target, notably on grounds related to language, religion or national or ethnic origin, persons such as migrants, asylum-seekers, refugees, displaced persons, non-nationals, indigenous peoples; or, on grounds related to belonging to minorities, persons such as Roma/Gypsies and Travellers;

The related degrading treatment and discriminatory practices;

The existence of multiple discrimination;

The persistence and development of aggressive nationalism and ethnocentrism which can lead to serious and large-scale violations of human rights;

The recent examples of ethnic and religious cleansing in Europe and in other regions of the world;

The continued occurrence, in many forms, of intolerance on grounds of religion and belief;

The dangers of indifference to manifestations of racism;

The hostility expressed by certain media and politicians towards vulnerable groups;

The support for political parties and organisations disseminating xenophobic ideology in Europe and in other regions of the world;

The use of new technologies of mass communication for the dissemination of racist messages.

We note with satisfaction:

The contribution of the United Nations, in particular through the International Convention on the Elimination of All Forms of Racial Discrimination and the action of its High Commissioner for Human Rights in combating racism, racial discrimination, xenophobia and related intolerance;

The key role of the Council of Europe in combating racism, xenophobia, anti-Semitism and intolerance as affirmed at the highest political level and demonstrated by:

- the European Convention on Human Rights and its additional Protocols, as well as the European Court of Human Rights and its case law;

- the adoption by the Committee of Ministers of Protocol No. 12 to the Convention, which introduces a general prohibition of discrimination;

- the Organisation's other human rights and legal instruments providing for equality and non-discrimination, including the Framework Convention for the Protection of National Minorities;

- the action of the European Commission against Racism and Intolerance (ECRI);

- the contribution of the Commissioner for Human Rights;

The European Union's commitment to combat racism, racial discrimination, xenophobia and related intolerance across the range of its policies, notably through the European Monitoring Centre on Racism and Xenophobia, the anti-discrimination regulations in the Treaty establishing the European Community and other relevant EC legislation, in particular Council Directive 2000/43 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, as well as global activities in this regard;

The results of the "All different all equal" European Youth Campaign against Racism and of the European Year against Racism;

The contribution of the Organisation for Security and Cooperation in Europe (OSCE), including the activities of its High Commissioner on National Minorities, its Office for Democratic Institutions and Human Rights and its Representative on Freedom of the Media;

The contribution of non-governmental organisations and other actors of civil society to combating racism, racial discrimination, xenophobia and related intolerance throughout Europe;

The efforts made at national and local levels to take preventive action to combat racism, racial discrimination, xenophobia and related intolerance, especially in promoting human rights education, including intercultural education.

We therefore commit ourselves:

To take further steps, having in mind in particular the General Conclusions of the European Conference, to prevent and eliminate racism, racial discrimination, xenophobia, anti-Semitism and related intolerance, and to monitor and evaluate such action on a regular basis. These shall include:

Legal measures

- to implement fully and effectively at national level the relevant universal and European human rights instruments and to consider signing and ratifying , as soon as, and wherever, possible without reservations, those instruments for which such action has not yet been taken;

- to adopt and implement, wherever necessary, national legislation and administrative measures that expressly and specifically counter racism and prohibit racial discrimination in all spheres of public life;

- to guarantee equality to all without discrimination as to origin, by ensuring equality of opportunity;

- to assure to all victims of racism, racial discrimination, xenophobia and related intolerance adequate information, support and national legal, administrative and judicial remedies;

- to bring to justice those responsible for racist acts and the violence to which they give rise, ensuring the prohibition of racial discrimination in the enjoyment of the right to freedom of expression;

- to combat all forms of expression which incite racial hatred as well as to take action against the dissemination of such material in the media in general and on the internet in particular;

Policy measures

- to establish national policies and action plans to combat racism, racial discrimination, xenophobia, anti-Semitism and related intolerance, including through the creation of independent specialised national institutions with competence in this field, or reinforcing such existing institutions;

- to pay specific attention to the treatment of persons belonging to vulnerable groups and to persons who suffer discrimination on multiple grounds;

- to integrate a gender perspective in policies and action to combat racism with a view to empowering women belonging to vulnerable groups to claim respect for their rights in all spheres of public and private life;

- to create conditions for the promotion and protection of the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities where such minorities exist;

- to counter social exclusion and marginalization, in particular by providing equal access to education, employment and housing;

- to ensure the development of specific measures, which actively involve the host society and encourage respect for cultural diversity, to promote fair treatment for non-nationals and to facilitate their integration into social, cultural, political and economic life;

- to pay increased attention to the non-discriminatory treatment of non-nationals detained by public authorities;

- to reflect on the effective access of all members of the community, including members of vulnerable groups, to the decision-making processes in society, in particular at local level;

- to develop effective policies and implementation mechanisms and exchange good practices for the full achievement of equality for Roma/Gypsies and Travellers;

Educational and training measures:

- to give particular attention to education and awareness-raising in all sectors of society to promote a climate of tolerance, respect for human rights and cultural diversity, including introducing and strengthening such measures among young people;

- to ensure that adequate training and awareness-raising programmes are implemented for public officials such as the police and other law enforcement officers, judges, prosecutors, personnel of the prison system and of the armed forces, customs and immigration officers as well as teachers and health and social welfare services personnel;

- to combat ethnic and religious cleansing in Europe and in other regions of the world;

- to support non-governmental organisations, strengthening the dialogue with them, with the social partners and other actors in civil society and to involve them more closely in elaborating and implementing policies and programmes designed to combat racism and xenophobia;

- to consider how best to reinforce European bodies active in combating racism, discrimination and related intolerance, in particular the European Commission against Racism and Intolerance;

- to enhance cooperation between relevant European and international institutions so as mutually to reinforce their respective action to combat racism.

16 October 2000

II. GENERAL CONCLUSIONS

A. Introduction

The European Conference "All different, all equal: from principle to practice" is meeting between 11 and 13 October 2000 in Strasbourg, France, at the headquarters of the Council of Europe. It constitutes Europe's regional contribution to the World Conference against racism, racial discrimination, xenophobia and related intolerance.

The European Conference brings together governments from across Europe, in particular the Council of Europe's 41 member States. States with Observer status to the Council of Europe participate in the conference and governments belonging to the Western European and Other Group (WEOG) and Eastern European Group are represented. Council of Europe bodies, including the European Commission against Racism and Intolerance (ECRI), institutions of the European Union, inter alia its European Monitoring Centre on Racism and Xenophobia (EUMC), and the Organisation for Security and Cooperation in Europe (OSCE), are taking part. The United Nations, most importantly its High Commissioner for Human Rights, together with its human rights treaty monitoring bodies and mechanisms, is actively contributing, as well as UN specialised agencies and other relevant international organisations. National institutions dealing with racism, racial discrimination, xenophobia and related intolerance, especially independent national specialised bodies in this field, non-governmental organisations and media professionals are further contributing to the European Conference. A Forum for Non-Governmental Organisations immediately preceded the European Conference.

The European Conference is adopting General Conclusions, which are reproduced below. Furthermore, Ministers of Council of Europe member States are adopting a Political Declaration, with which other participating States at the conference may associate themselves. The Political Declaration is reproduced separately.

B. Context

The European Conference welcomes ethnic, religious, cultural and linguistic diversity in Europe as a source of social vitality which should be embraced, valued and enjoyed by all Europeans because it enriches and enhances our lives, our ideas, our creativity and our politics. It is also essential for Europe's economic prosperity as well as social success, through drawing on all available talents.

The European Conference affirms that the strengthening of democratic values and respect for human rights requires constructing a society in which all people, regardless of their origin, enjoy the same rights and opportunities.

The European Conference believes that all States must acknowledge the suffering caused by slavery and colonialism. It further believes all States must reject ethnic and religious cleansing and genocide, in Europe and in other regions of the world, and work together to prevent their recurrence. The European Conference also believes that the Holocaust must never be forgotten.

The European Conference recognises the continued and widespread occurrence of racism, racial discrimination, xenophobia, anti-Semitism and related intolerance. It further recognises that such occurrences target, notably on grounds related to language, religion or national or ethnic origin, persons such as migrants, asylum-seekers, refugees, displaced persons, non-nationals and indigenous peoples; or, on grounds related to belonging to minorities, persons such as Roma/Gypsies and Travellers. It is also aware of the multiple discrimination suffered by some persons, including on grounds of race, colour, ethnic or linguistic origin, gender, sexual orientation, age, disability, religion or culture. All such persons are henceforth referred to as targeted groups.

The European Conference furthermore recognises the persistence for targeted persons of the following problems in particular:

- the "everyday" discrimination that exists in employment, housing, education, services and so on;

- the lack or, more often, inadequacy of effective anti-discrimination provisions;

- the occurrence of contemporary forms of slavery, in Europe and in other parts of the world, despite the efforts undertaken by the international community and national governments;

- the incitement to discrimination against immigrants, asylum-seekers and refugees, on the part of certain media outlets and politicians;

- the discrimination faced by immigrants, asylum-seekers and refugees, and the growth of often violent racism and xenophobia against them, as well as their criminalization;

- continuing manifestations of racial or ethnic violence and incitement to racial or ethnic hatred or intolerance;

- the proliferation and growth of extremist groups exacerbating these phenomena of hostility and violence;

- in some cases, the existence of certain forms of racism and prejudice in State institutions, direct and indirect;

- a "banalisation" of racism and intolerance: while the notion of racism as a theory based on the so-called superiority of a race or ethnic group over another is no longer so pronounced, theories of supposedly insurmountable cultural differences between groups can be observed;

- a rise in religious intolerance;

- violent acts against members of Jewish communities and dissemination of anti-Semitic material;

- persisting prejudice and discrimination against Roma/Gypsies;

- the use of new technologies of mass communication by racist individuals and groups.

In condemning these phenomena, the European Conference is aware that most of them are experienced not only in Europe but also in other regions.

To act to eradicate racism, racial discrimination, xenophobia, anti-Semitism and related intolerance, the European Conference proposes through its General Conclusions a series of measures, some of which may also be considered useful outside Europe. In exchanging its experiences with other regions in this respect, the European Conference emphasises the priority of action at national and local level, and by government in conjunction with civil society.

C. Conclusions and recommendations of the European Conference against Racism

LEGAL PROTECTION

1. The European Conference reaffirms that acts of racism and racial discrimination are serious violations of human rights and should be combated by all lawful means.

Acceptance and full implementation of relevant international legal instruments

2. The European Conference calls upon all States, and notably all member States of the Council of Europe, to consider, if they have not already done so, to sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and to make the declaration under Article 14 of that Convention on the right of individual petition, as well as all other relevant universal and regional international instruments relating to the protection of human rights, and to ensure their full and effective application at national level.[1]

3. The European Conference further calls upon all States to ensure that no reservation is contrary to the object and purpose of these instruments, to review existing reservations to these instruments with a view to withdrawing them, to comply with the relevant reporting obligations under these instruments and to publicise and act upon the concluding observations of the relevant supervisory mechanisms.

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[1] International and European legal instruments relevant to combating racism, racial discrimination, xenophobia and related intolerance are listed in Appendix 1 .

4. The European Conference recognises the need to provide effective protection from acts or situations involving racism, racial discrimination, xenophobia and related intolerance also in times of armed conflict. It stresses the importance of international humanitarian law, which contains many specific non-discrimination rules binding on parties to an armed conflict.

New developments at European and international levels

5. The European Conference welcomes the adoption by the Council of the European Union of a directive prohibiting discrimination on grounds of racial or ethnic origin. It believes that such legislative measures can make a valuable contribution to the fight against racism and xenophobia.

6. The European Conference also welcomes the adoption of Protocol No. 12 to the European Convention on Human Rights broadening, in a general fashion, the field of application of Article 14 (non-discrimination). It calls upon member States of the Council of Europe to consider signing and ratifying it without delay and to implement fully its provisions.

7. The European Conference underlines the importance of combating impunity, including for crimes with a racist or xenophobic motivation, also at international level. In this respect, it fully supports the work of the existing International Criminal Tribunals and the adoption of the Statute of the International Criminal Court. It calls upon all States which have not yet done so to sign and ratify the latter.

General and comprehensive anti-discrimination legislation at national level

8. For purposes of effectively combating racism, racial discrimination, xenophobia and related intolerance in the civil, political, economic, social and cultural fields, the European Conference recommends to all participating States that the national legislative framework in criminal, civil and administrative law should expressly and specifically prohibit discrimination on grounds of actual or presumed racial, ethnic or national origin, religion and belief and provide effective judicial and other remedies or redress, including through the designation of national, independent, specialised bodies. Such legislation should embrace the concepts of direct and indirect discrimination. It should cover such areas as employment, education, housing, health care, social protection and social security, social benefits, access to the supply of goods and services and to public places as well as access to citizenship. This legislation should clearly cover the functions of public bodies and authorities such as law enforcement personnel, judges and prosecutors, other components in the criminal justice system, local authority enforcement powers, health and safety bodies, child protection, detention under mental health legislation and tax collection, as well as the private sector.

Application of the law and provision of effective remedies

9. To reinforce protection against racism, racial discrimination, xenophobia and related intolerance, the European Conference calls upon participating States to ensure that all persons have access to effective and adequate remedies and enjoy the right to seek from competent tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

10. In improving the effectiveness of criminal law in combating racism, racial discrimination, xenophobia and related intolerance, the European Conference draws attention to a number of measures participating States could consider. These may include:

- ensuring the criminal prosecution of offences of a racist or xenophobic nature is given a high priority and is actively and consistently undertaken. In this connection, the European Conference underlines the importance of fostering awareness and providing training to the various agents in the criminal justice system to ensure the fair and impartial application of the law;

- ensuring that racist and xenophobic acts are stringently punished, by allowing the racist or xenophobic motives of the offender to be specifically taken into account;

- in accordance with relevant international instruments, and in particular Articles 10 and 11 of the European Convention on Human Rights, ensuring that appropriate and efficient measures are taken to combat racist organisations, as well as to criminalize oral, written, audio-visual and other forms of expression, inciting to hatred, discrimination or violence against targeted groups or persons because of their actual or presumed racial, ethnic or national origin or religion;

- making the offence of Holocaust-denial punishable;

- empowering courts to impose, in addition to the main penalty, ancillary penalties such as fines or community service;

- prosecuting acts of a racist or xenophobic nature ex officio;

- allowing complainants of racist and xenophobic acts to opt for mediation in criminal cases, particularly where the parties are individuals.

11. The European Conference underlines the importance of access to the law and to the courts for complainants of racism and racial discrimination. With this in mind, it draws attention to the need for judicial and other remedies such legislation should provide to be widely known, easily accessible, expeditious, and not unduly complicated. Among particular measures the European Conference proposes participating States should consider are:

- in certain circumstances, shifting the burden of proof to the defendant in non-penal proceedings - when the plaintiff has established factual evidence of less favourable treatment caused by apparent discrimination;

- ensuring that adequate legal assistance, including legal aid, is available to complainants of discrimination when seeking a legal remedy;

- ensuring the protection against victimisation of complainants of and witnesses to discrimination;

- affording the possibility for non-governmental organisations to support complainants of racism, with their consent, in legal procedures;

- promoting sustained measures to ensure that all members of targeted groups are aware of the remedies available and how to make use of them;

- informing the broader public about legislation to combat racism, racial discrimination, xenophobia, anti-Semitism and religious discrimination, so that its effects in terms of access to the courts and compensation are supplemented by an educational impact on the general public;

- promoting sustained measures to ensure that persons belonging to targeted groups who have been victims of gender-related crimes, such as rape and other forms of sexual and domestic violence, forced prostitution and trafficking for the purpose of sexual exploitation, are granted adequate legal protection and support, empowered to take action and protected from racism, xenophobia and related intolerance of any form.

12. The European Conference draws attention to the importance of collecting and publishing accurate data, broken down by sex and age, on the number and nature of racist and xenophobic incidents or offences, the number of cases prosecuted or the reasons for not prosecuting, and the outcome of prosecutions. The European Conference recommends in this respect that anti-discrimination monitoring services may be established.

Examining the conformity of new and existing legislation with principles of non-discrimination

13. The European Conference encourages participating States to establish mechanisms for examining the conformity of draft legislation with principles of non-discrimination on the basis of race, ethnic or national origin, religion or belief, especially in relation to potentially discriminatory effects, including all forms of multiple discrimination, on persons belonging to targeted groups. Concerning existing legislation, the European Conference calls upon participating States to keep their legislative framework under regular review so as to promote equality and guard against any unintended or inadvertent discriminatory impact which may arise. Such legislative appraisal will also help to "mainstream" equality issues.

Positive obligations and impact assessment of legislation as a means of prevention

14. Equal treatment by itself may not be enough if it does not overcome the weight of accumulated disadvantage suffered by persons belonging to targeted groups. The European Conference therefore calls upon participating States to consider introducing legislative and administrative measures which are necessary to prevent and correct situations of inequality. This would mean a positive duty on public authorities to promote equality and to assess the impact of policy, as well as to prevent and punish violations by any person, organisation or enterprise.

Integration

15. The European Conference recalls that human rights and fundamental freedoms apply to all persons on the territories of all States, irrespective of their nationality or legal status. It advocates that participating States aim to ensure that non-nationals to whom residency has been granted - taking account of length of residence - can enjoy the rights necessary for full integration into the host society. It further notes that integration policies should not be subordinate to other policies such as immigration controls. When awarding nationality, participating States must take care never to discriminate on grounds of racial, ethnic or cultural origin.

POLICIES AND PRACTICES

Comprehensive national strategies/action plans, to include mainstreaming the fight against racism in policies and acting in partnership with civil society

16. The European Conference believes it is essential for participating States to recognise that combating racism in all its forms, and the discrimination that ensues, is a primary responsibility of government. It therefore encourages participating States to elaborate comprehensive national policies to promote diversity, equality of opportunity and participation of persons belonging to targeted groups. In elaborating such policies, the European Conference further encourages participating States to establish, or reinforce, dialogue with non-governmental organisations, social partners and researchers and to involve them more closely in designing and implementing policies and programmes. The European Conference calls upon participating States to ensure that public funds are not awarded to companies or other organisations which are not committed to non-discriminatory policies.

Integrating a gender perspective

17. The European Conference underlines the importance of integrating a gender perspective in all actions and policies against racism, xenophobia and related intolerance, of empowering women belonging to targeted groups to demand respect for their rights in all spheres of public and private life and play an active role in the design and implementation of policies and measures which affect their lives.

Effective participation of persons belonging to targeted groups in cultural, social and economic life and in public affairs

18. The European Conference calls upon participating States to create the conditions necessary for the effective participation of persons belonging to targeted groups in decision-making processes. Suitable measures include the creation of joint bodies for consultation between parliaments and local communities of foreign origin, the setting up of integration programmes which encourage the establishment of partnerships between local authorities, associations working in this field and the communities concerned and the design of methods, measures and forms of activity which enable these communities to participate in community life.

Participation of national minorities in decision-making processes

19. The European Conference calls upon participating States to create the conditions necessary for the effective participation of persons belonging to national minorities in decision-making processes at governmental, national and local levels, in accordance with international standards, including the Framework Convention for the Protection of National Minorities. Attention is drawn in this respect to the usefulness, in certain contexts, of creating joint bodies for consultation between national authorities and local communities of national minorities, so that the latter can submit their opinions and proposals on matters concerning them.

Combating discrimination against migrants

20. The European Conference draws attention to the rise in discrimination, intolerance and acts of violence directed against migrants, persons of migrant origin and resident foreign workers. It calls upon participating States to reinforce and implement preventive measures to combat these phenomena and to promote the participation of these groups in the decision-making processes in society.

Role of independent specialised bodies at national, regional and local levels

21. The European Conference underlines the essential contribution of independent specialised bodies at national, regional or local levels in promoting equal treatment irrespective of racial or ethnic origin or religious background. The European Conference points to the range of functions independent specialised bodies may undertake at national, regional and local levels which further government policies in combating racism: offering opinions and advice to government bodies, monitoring the situation in the country, contributing to training programmes for certain key groups, making the general public more aware of discrimination issues and aiding and assisting complainants, including through the provision of legal assistance to enable them to enforce their rights in the courts and other institutions. In some cases, the bodies concerned may hear complaints and applications relating to individual cases and seek a settlement, either by mutual agreement or, within the limits prescribed in law, by legally-binding decisions. It calls upon participating States, as appropriate, to establish such independent specialised bodies, or, in countries where these exist, review and reinforce their effectiveness, while providing them with adequate financial resources, competence and capacity to ensure their effective functioning. It draws attention to *General Policy Recommendation No. 2 of the European Commission against Racism and Intolerance (ECRI)* which sets out the principles for the establishment and functioning of such bodies (see Appendix II to the General Conclusions).

Role of politicians and political parties

22. The European Conference underlines the key role that politicians and political parties can play in combating racism, xenophobia, anti-Semitism and related intolerance, by shaping and leading public opinion. In this respect, it calls upon politicians to provide a clear political message welcoming diversity in European societies and condemning political discourse which

incites or attempts to incite racial and ethnic hatred or prejudice. It encourages political parties in Europe to take concrete steps to promote solidarity, tolerance and respect and to explain issues to the general public in such a way as to increase understanding and acceptance of difference. Such steps may include:

- to sign the *Charter of European political parties for a non-racist society* and follow its principles concerning responsible behaviour on issues of racism, both with regard to the parties' own organisation and to their activities in the political field (see Appendix III);

- to include anti-racist policies in election programmes and to condemn racist exploitation of issues such as immigration and asylum for electoral purposes, ensuring that any candidate for elected office is committed to anti-racist policies;

- to refuse any support, explicit or implicit, to parties that advocate racist and xenophobic positions.

Criminal justice system

23. The European Conference calls upon participating States to take practical measures to make law enforcement officials more sensitive to the situation of targeted groups in order to counter any perceived unfairness in the application of the law and discrimination in the treatment of persons belonging to such groups in the criminal justice system. Such measures may include:

- training courses to promote cultural sensitivity and awareness of prejudice, as well as knowledge of legal aspects of discrimination;

- formal and informal dialogue between the police and targeted groups, for example through confidence-building measures, thereby promoting openness, accountability and mutual trust;

- facilitating access on an equal footing of persons belonging to targeted groups to the police and their auxiliary staff, as well as other professions involved in the criminal justice system, subject to regular review so as to evaluate the levels of recruitment, promotion and retention of staff belonging to targeted groups;

- anti-discriminatory codes of conduct among police forces and other professional groups involved in the administration of justice.

Institutions in the field of employment and social affairs

24. The European Conference notes that good community relations are generally enhanced by social development and the full realisation of economic, social and cultural rights on the basis of non-discrimination. It calls upon participating States to promote policies in employment and the social sphere which seek to improve the prospects of targeted groups facing, for example, the

greatest obstacles in finding, keeping or regaining work, including skilled employment. Particular attention should be paid to persons subject to multiple discrimination. The European Conference draws to the attention of participating States the following considerations:

- policies should be presented so as to enable employers and employees to recognise the benefits of equal opportunity and of diversity;

- the importance of involving the social partners and other non-governmental actors in the design and implementation of training and development programmes;

- public authorities should set an example by making sure they actively seek to recruit and retain persons belonging to targeted groups, which may require reviewing nationality requirements in some instances;

- public officials and all those involved in promoting access to employment should be trained, including by raising their awareness of the barriers to equal opportunity and intercultural sensitivity;

- persons belonging to targeted groups should have access to training, including vocational training, which improves their employability;

- governments can stimulate the development of mission statements, codes of conduct and policies on equal treatment at the workplace aimed at anti-discriminatory practices among employers, service providers and others;

- special attention should be given to protecting foreign domestic workers from discrimination and violence, as well as combating prejudice against them;

- in the field of housing, public and private authorities should promote the successful cohabitation of different social groups at the planning stage of urban development schemes as well as renovate neglected areas of public housing so as to counter social exclusion;

- public authorities should guarantee equal access to health and counselling services without discrimination.

Monitoring

25. The European Conference strongly recommends monitoring all policies and programmes aimed at combating racial discrimination in order to assess their effectiveness in assisting targeted groups. All data should be broken down by sex and age, and information collected should include issues of multiple discrimination. Such statistical data may be complemented by public opinion surveys and also targeted surveys to ascertain the experience and perception of discrimination and racism from the point of view of potential complainants.

Immigration and asylum

26. The European Conference calls upon participating States to promote the positive aspects of immigration among the general public, including by stressing the value of diversity and the contribution made by migrants to society. It underlines that promoting the social inclusion of migrants is a key instrument in combating racism, xenophobia and related intolerance. The European Conference notes that undue stress on restrictive admission/immigration policies may produce negative stereotyping and thus adversely affect persons belonging to targeted groups and the integration of non-nationals. It furthermore recognises the effect arbitrary detention of asylum-seekers and undocumented persons has on the growth of a climate of xenophobia. The European Conference calls for all measures relating to asylum- seekers and refugees to be fully in accordance with the 1951 Convention relating to the Status of Refugees.

27. The European Conference underlines that family reunification has a positive effect on integration and calls upon participating States to facilitate family reunion, with due regard to the need for an independent status on the part of family members. The European Conference urges all participating States to grant to asylum-seekers, refugees and migrants access to basic economic and social rights.

Religious discrimination and intolerance

28. The European Conference underlines the importance of promoting understanding, tolerance and respect in matters relating to religion and belief. It recognises that religion and belief may be related to racial and ethnic origin and it may thus be difficult to provide comprehensive protection against discrimination on grounds of racial and ethnic origin without also prohibiting discrimination on grounds of religion and belief. In this respect, the European Conference draws attention to ECRI's *General Policy Recommendation No. 5 on combating intolerance and discrimination against Muslims* (see Appendix IV).

Combating anti-Semitism

29. The European Conference, convinced that combating anti-Semitism is integral and intrinsic to opposing all forms of racism, stresses the necessity of effective measures to address the issue of anti-Semitism in Europe today in order to counter all manifestations of this phenomenon.

Combating discrimination against Roma, Gypsies, Sinti and Travellers

30. The European Conference underlines the necessity for participating States to pay particular attention to and adopt immediate and concrete measures to eradicate the widespread discrimination and persecution targeting Roma, Gypsies, Sinti and Travellers, including through the establishment of structures and processes, in partnership between the public authorities and representatives of the Roma, Gypsies, Sinti and Travellers. The European Conference also draws attention to ECRI's *General Policy Recommendation No. 3 on combating racism and intolerance against Roma/Gypsies* (see Appendix V).

EDUCATION AND AWARENESS-RAISING

Access to education

31. The European Conference calls upon all participating States to commit themselves to ensuring access without discrimination to education, based on respect for human rights, diversity and tolerance. The right to education applies to all children in the territory, irrespective of their legal status. This right also applies to adults in terms of access to life-long learning and education based in the community and workplace.

School and other formal education

32. The European Conference calls upon participating States to introduce, or encourage the introduction of, or reinforce, human rights education, including promoting anti-racism, in the school curriculum and in institutions of higher education. It emphasises that this should be done both in daily activities and in the general functioning of the educational establishment and in the teaching of specific subjects. To this end, teacher-training programmes should incorporate human rights education.

33. The European Conference calls upon participating States to aim at education reflecting a multicultural society, with curricula open to other cultures and school materials based on the diversity of cultures (intercultural education). Education should also enable students to understand the historical, social and economic processes which have led to prejudice towards targeted groups. Educational curricula and materials should also have a broad global perspective which validates worldwide contributions to knowledge and civilisation. In this respect, participating States are requested to review their curricula and text books across all subjects, to ensure that these do not perpetuate stereotypes or prejudices, convey hate and cause racist, ethnic or anti-Semitic animosity, with particular attention to the teaching of history without bias.

34. The European Conference calls upon participating States to ensure that educational institutions implement an agreed policy on equal opportunities and anti-racism, which is regularly reviewed with those working in the school, parents and pupils or students. Such policy should also aim to tackle the interaction between racist and sexist prejudice and stereotypes, including by promoting the active involvement of girls from targeted groups in all equal opportunities' activities. Pupils should be given information about how to deal with racist incidents in schools. Innovative measures, such as pupils acting as peer mediators to address issues of racial violence, should be examined.

35. The European Conference notes that young people from targeted groups are often underrepresented in institutions of higher education and calls for research to be undertaken into barriers to access in this respect.

36. The European Conference recognises that children from different cultural backgrounds may have little knowledge of each other's traditions and family life, which may lead to stereotyping and misinformation. Participating States are urged to promote an increase of knowledge of cultural diversity, for example by facilitating exchange programmes for children in families of different cultural background, in order to overcome ignorance of the lifestyles of others.

37. The European Conference encourages participating States to consider taking measures to increase the recruitment, retention and promotion of women and men belonging to targeted groups, and guarantee effective equality of access, to the teaching profession.

According importance to human rights education

38. The European Conference calls upon participating States to ascribe importance and give priority to human rights education in the formal and informal sectors and the promotion of a human rights culture throughout society. It notes that legislation and policies against racism and intolerance will not be fully effective unless they are complemented by activities which seek to bring about new behaviour and attitudes and increase mutual understanding.

Training of professional groups

39. The European Conference calls upon participating States to introduce, or reinforce, special training programmes to encourage awareness of issues linked to racism and related discrimination, including sexist prejudices, stereotyping and multiple discrimination, among the professionals most frequently in contact with targeted groups. In this respect, the European Conference draws the attention of participating States to the usefulness of codes of conduct or professional ethics.

General awareness-raising campaigns

40. The European Conference calls upon participating States to commit themselves to undertaking public information campaigns or other more long-term initiatives, to alert their societies to the dangers of racism, racial discrimination, xenophobia, anti-Semitism and related intolerance, and support initiatives of non-governmental organisations in this respect. Such campaigns or initiatives need to be addressed to the whole of society, in particular young people. It also calls upon participating States, in accordance with the proclamation of the year 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance as mandated by the United Nations General Assembly, to commence immediately with public information initiatives to promote anti-racist awareness and action.

41. The European Conference calls upon participating States to facilitate, including in conjunction with local authorities and the relevant professionals, group activities, for example in the cultural, sporting and socio-educational fields, aimed at educating young people in human rights and democratic citizenship and instilling in them values of solidarity, respect and appreciation of diversity.

42. The European Conference calls upon participating States to put experiences of the past, such as slavery, the slave trade and colonialism, into historical perspective allowing for a comprehensive reflection on these events in relation to the roots of racism, racial discrimination and xenophobia in contemporary society, and to ensure a widespread dissemination of this knowledge among young people.

43. The European Conference calls upon all participating States to promote appropriate forms of Holocaust remembrance, including considering the proclamation of an annual Day of Holocaust Remembrance. It also calls for further study of the Holocaust in all its dimensions and the promotion of education about the Holocaust both in and out of schools.

44. Considering the phenomena of genocide, ethnic cleansing and racial segregation, which result in serious international humanitarian crises, the European Conference calls upon participating States to raise awareness of the said phenomena as manifestations of racism, racial discrimination and xenophobia.

45. To provide a sustained and coordinated approach to raising awareness, in schools, among professional groups and the general public, the European Conference notes that creating a source of training expertise in combating racism, racial discrimination, xenophobia, anti-Semitism and related intolerance - possibly locating such a source within an existing specialised body - could provide an effective anti-discrimination mechanism. This training expertise should be developed in consultation with targeted groups and should seek to recruit people from targeted groups as trainers.

Role of non-governmental organisations

46. The European Conference welcomes the catalytic role that non-governmental organisations have played in promoting human rights education and raising awareness about racism. It recognises the precarious situation of human rights and anti-racist NGOs in many countries and urges States to lift unnecessary barriers to the functioning of civil society. It calls upon participating States to strengthen cooperation with non-governmental organisations, harnessing their experience and expertise in developing governmental legislation, policies and other initiatives. It also calls upon participating States to provide financial support to human rights education and awareness activities of non-governmental organisations, without compromising their independence.

INFORMATION, COMMUNICATION AND THE MEDIA

Information and communication

47. Information is crucial to the exercise of rights and the principle of transparency. In this respect, the European Conference encourages participating States to set up a service providing free access to public sources of information on the rights of persons who consider themselves victims of racism, racial discrimination, xenophobia, anti-Semitism and related intolerance.

48. Research, analysis and dissemination of information are also essential to the elaboration of policy and decision-making. The European Conference encourages participating States to collect, record and analyse data concerning racism and related intolerance from a broad range of sources, while endeavouring to establish common indicators and criteria at European level to enable data comparison. Since access to data and transparency in its collection also encourage confidence about the data itself, the European Conference requests participating States to publish and disseminate widely the findings of research into racism and related phenomena. The European Conference furthermore notes that such research can also be conducted in cooperation with European and international institutions and non-governmental organisations. It encourages participating States to take fully into account the recommendations of appropriate monitoring mechanisms at national, European and international levels, including the country-specific approach of the European Commission against Racism and Intolerance (ECRI). In particular, it invites States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination to publicise widely their periodic reports to the Committee on the Elimination of Racial Discrimination, as well as the conclusions and recommendations of the Committee following the consideration of these reports.

49. The European Conference recognises that networks of information are an important tool in the fight against racism and xenophobia. It therefore encourages participating States to organise and support initiatives for regular exchanges of information at local, regional, national and European level as well as to facilitate the role of non-governmental organisations in this respect. It notes that women and men belonging to targeted groups have taken a leading role in networking activities of non-governmental organisations, thus contributing to the empowerment of their groups. All participating States should recognised the importance of community media, in particular community radio, that give a voice to women and men from targeted groups.

Media as a reflection of society

50. The European Conference recognises that media should represent the diversity of multicultural society.

It considers that media enterprises and journalists organisations could reflect on:[2]

- the importance of the recruitment and presence of journalists from targeted groups in mainstream media, especially television;
- an inclusive coverage of society, using diverse sources of information;
- reporting factually and accurately on acts of racism and intolerance;
- avoiding derogatory stereotypical depiction based on individuals' origins in publications and programme services;

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[2] See also Appendix to Recommendation No. R (97) 21 of the Committee of Ministers to member States of the Council of Europe on the media and the promotion of a culture of tolerance.

- treating individual behaviour without linking it to a person's origin where this is irrelevant;

- depicting society in its cultural, ethnic and religious diversity in a balanced and objective manner and in a way which also reflects the perspectives and outlook of targeted groups;

- presenting a view of cultural diversity and immigration as a structural and positive component of European societies;

- opening the broadcasting system and programmes for intercultural issues;

- alerting public opinion to the dangers of intolerance as well as deepening public understanding and appreciation of all forms of diversity;

- challenging the assumptions underlying racist or xenophobic remarks made by speakers in the course of interviews, reports, discussion programmes, etc;

- developing a multicultural approach to output specifically geared to children and young people so as to enable them to grow up with the understanding that society is enriched by differences.

Codes of conduct and self-regulation

51. Because of the extent of the influence media can exercise and its positive role in raising awareness of issues, and taking into account freedom of expression and the need for media independence, the European Conference encourages media professionals to consider developing self-regulatory codes of conduct with regard to combating racism in the media.

Training

52. The European Conference draws attention to the importance of the initial and in-house training of journalists and media professionals in relation to promoting a culture of tolerance, respect and diversity. Participating States should encourage schools of journalism and media training institutes to highlight this in their core curricula.

Advertising

53. The European Conference draws attention to the power of advertising. In this context, it underlines the usefulness of establishing a code of conduct in the advertising sector which prohibits discrimination on such grounds as race, national or ethnic origin and religion. It furthermore considers that advertisers should also refuse to carry advertising messages which portray cultural, religious or ethnic difference in a negative manner, including by reinforcing sexist or other stereotypes and prejudices.

Role of the Internet

54. The European Conference welcomes the positive contribution the Internet can bring in combating racism through its rapid and wide-reaching communication. It calls upon participating States to examine ways in which the Internet can be used systematically, for example through the creation of a specific site, to provide information about good practices for combating racism, racial discrimination, xenophobia, anti-Semitism and related intolerance. It also draws attention to the potential use of the Internet to create educational and awareness-raising networks against racism and intolerance, both in and out of school.

Combating hate speech and racist material on the Internet

55. While recognising the specific characteristics of the Internet, and the obstacles these entail for combating the dissemination of racism on the Internet, the European Conference urges participating States to apply to the extent possible existing legislation for prosecuting those responsible for incitement to racial hatred on the Internet and their accomplices. It further recommends the training of law enforcement authorities in addressing the problem of dissemination of racist material through the Internet.

56. The European Conference draws the attention of participating States to the need to coordinate a prompt international response to the rapidly evolving phenomenon of the dissemination of hate speech and racist material on the Internet. In this respect, it calls for international judicial cooperation to be strengthened and rapid intervention mechanisms to be agreed. More specifically, the European Conference draws to the attention of participating States, with a view to their individual and joint action:

- the need to distinguish between the function of access provider and host provider and their respective responsibilities;

- the importance of including the issue of combating racism, xenophobia, anti-Semitism and intolerance in all current and future work at international level aimed at the suppression of illegal content on the Internet;

- the need for dialogue with all providers, in order to discuss voluntary measures to counter racist sites: such measures could include blocking sites, a filtering system or refusing anonymity to the authors of sites;

- the need to develop codes of conduct and self-regulatory measures among access and host providers.

57. The European Conference furthermore draws the attention of participating States to the need for more active awareness-raising among decision-makers concerning the problem of the dissemination of racist messages through the internet.

D. Cooperation at European and international levels

58. To complement action at national and local levels, the European Conference calls upon participating States, as appropriate, to promote:

- effective legal and judicial cooperation at regional and international levels in combating racism, anti-Semitism and xenophobia to prevent the perpetrators of racist or xenophobic acts from benefiting from the fact that offences are treated differently in various States.

- exchange at European and international levels among national independent specialised bodies and other relevant independent bodies with a remit to monitor racism and racial discrimination;

- exchange at European and international levels among educational authorities and others involved in developing curricula incorporating anti-racist and intercultural education.

Furthermore, the European Conference calls upon participating States, as appropriate, to:

- invite the Council of Europe Commissioner for Human Rights to continue to support States in their fight against racism, racial discrimination, xenophobia, anti-Semitism and intolerance;

- consider how best to reinforce the action of the European Commission against Racism and Intolerance (ECRI);

- support activities of the European Monitoring Centre on Racism and Xenophobia (EUMC) to build networks for monitoring and information-sharing, including an inventory of foundations, organisations and networks fighting racism in Europe;

- support the action of the OSCE to combat racism and intolerance, including its High Commissioner on National Minorities, its Office for Democratic Institutions and Human Rights and its Representative on Freedom of the Media, as well as through its relevant field missions.

59. The European Conference calls upon participating States to include in their national delegations to the World Conference against racism, racial discrimination, xenophobia and related intolerance women and youth, as well as to ensure transparency in the constitution of their delegations.

60. The European Conference calls upon participating States, non-governmental organisations and other concerned actors in civil society, bearing in mind the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, to implement and support United Nations action aimed at combating racism, racial discrimination, xenophobia and related intolerance and to participate actively and constructively in the third World Conference against racism.

16 October 2000

III. GENERAL REPORT

Ladies and gentlemen,

Introduction

A little less than three days ago, when the Secretary General of the Council of Europe welcomed us to this meeting, he quite rightly pointed out that the walls of our common home, which is that of the Greater Europe and the protection of human rights, were originally built to house a great humanist project, namely the construction of a tolerant and democratic European society based on respect for the equal dignity of human beings. Our Conference has been the mirror of this project and it is this prevailing atmosphere that I would like to stress above all here.

The richness of your debates was a clear sign that diversity has something inherently creative about it. This has been the opportunity for Europe to prepare its contribution to the future World Conference against Racism on the basis of its different experiences, which have been regarded not as a burden but as a major asset. Coming from various backgrounds, representing governments, non-governmental organisations, and national institutions for the protection of human rights, you have shown how constructive and positive pluralism, critical-mindedness and debate can be.

I. Context

First point: Acts of racism and racial discrimination are human rights violations. By reminding us that lack of understanding and contempt for human rights have led to acts of barbarism which outrage the human conscience, the Universal Declaration of Human Rights calls on us to respect the equal dignity of all human beings. In its first article it states that all human beings are born free and equal in dignity and rights. In point of fact, racism, xenophobia, anti-Semitism and intolerance pose a mortal danger to human rights. And it is indeed the fundamental rights of victims that are violated. It should also be emphasised that, for the most part, victims undergo double or multiple forms of discrimination.

Second point: The persistence of racism, racial discrimination, xenophobia and intolerance throughout Europe. These problems endure and expand, taking on various forms. They currently range from the monstrous concept of "ethnic cleansing", and crimes of mass extermination, nothing less than modern-day genocide, to the day-to-day, direct and indirect discrimination which is still the lot of many women and men in Europe, including countries which are proud to call themselves advanced democracies.

Third point: There are areas which are particularly conducive to manifestations of racism and racial discrimination, which might be termed the "grey areas" in the functioning of our democracies. The following are examples:

- The discrepancy between law and practice (between legal instruments and the real-life situation): the failure to apply existing rules against racism and the poor implementation thereof are a constant problem.

- The lack of access to the law: there has been talk of an "unjust justice system", minorities have a genuine lack of confidence in the functioning of the justice system, which they may perceive as insensitive and inaccessible, and the unique position of the victim in cases of racism is not sufficiently taken into account.

- There is still a latent, creeping racism in too many public institutions and the way they function. In this context, problems linked to the attitudes of civil servants, law enforcement and prison officers and the police in general should be treated much more seriously than is presently the case in our countries. It is undoubtedly important to punish such attitudes and forms of behaviour but training is equally necessary. It is essential that these officials be trained to observe human rights and to respect difference, so that they may become, to some extent, effective "human rights protection agents".

- The use of racist and xenophobic arguments in political debate is a scourge that contributes significantly to a climate of hostility in our societies. The rise of extremism poses a real threat. Even more serious is the fact that this situation meets with indifference and even a certain acceptance, whether in the form of unacceptable political deals or the straightforward incorporation of xenophobic arguments into the positions adopted by democratic political parties. It goes without saying that all this is entirely at odds with the conception of society that we defend: a society based on the principles of justice and solidarity. The opinion leaders concerned are playing a very dangerous game because, by seeking out and pinpointing scapegoats, they fuel hatred of difference and put foreigners, immigrants and refugees in an even more vulnerable position. In some of our countries, political extremism is currently contributing to a resurgence of nationalism that results in exclusion.

- This form of political argument is also rooted in underlying anti-Semitism: there are those who use anti-Semitic prejudice, whether implicitly or openly, to further their political interests. We are all aware of the destructive effect of anti-Semitism on democracy. We cannot divorce the fight against anti-Semitism from the fight against all forms of racism, for it is one and the same struggle.

- Religious discrimination is a factor not properly or fully taken into account in the formulation of policies and strategies in the member States. Here, I should like to add a point too often forgotten – that religion should unite us, not divide us. Ultimately, religion can also help to protect human rights. It should not be a source of confrontation.

- The rising incidence of xenophobic behaviour, discrimination, expressions of racism (including racist violence) and widespread intolerance of migrants, refugees and asylum seekers is certainly a matter of urgent concern. Already in 1993, when the Council of Europe's first Declaration on Combating Racism, Xenophobia,

> Anti-Semitism and Intolerance was adopted in Vienna, the Heads of State and Government expressed alarm at the increase in acts of violence, instances of degrading treatment and discriminatory practice towards migrants and members of immigrant communities. Seven years on, it has to be acknowledged that far from showing an improvement, the picture is bleaker.

I should like to recall here the point made by Mary Robinson, the United Nations High Commissioner for Human Rights, in her admirable opening address, about a "Fortress Europe". Personally, I am convinced that the fortress mentality is not only intolerable but also non-viable in the medium and long term: it is an absurdity demographically, economically and otherwise. The human rights of migrants, refugees and asylum seekers are of key importance in our fight against racism and xenophobia. The economic exploitation of migrants, especially undocumented persons, is unacceptable. Families have a basic right to be reunited: this is a matter of respect for human dignity. The point has to be made loudly and clearly that immigration is not a problem; it is the phenomenon of groups of people moving to our countries and helping to enrich them. These people help to create and consolidate our countries' wealth. That fact has to be acknowledged in the interests of justice, respect and solidarity.

Indeed, the Forum of Non-Governmental Organisations, held immediately before the Conference, decided to include a fifth theme on its agenda, in addition to the four conference themes: namely, immigration and asylum. The fight here is for equal rights, above all economic and social rights. It is also about moving toward successful integration involving civil and political rights, including the right of non-nationals resident in a country (whatever their nationality) to vote in local elections.

Lastly, a group particularly exposed to racism throughout Europe is the Roma/Gypsies. Their fundamental rights are currently violated or threatened on a regular basis. They are the victims of persistent prejudice and sometimes the target of racist violence. Our duty of memory in Europe also gives us a duty to be vigilant: we must not forget that, in our recent past, many Roma/Gypsies have perished as the result of policies of racist persecution and extermination. Historically there has been systematic discrimination against Roma/Gypsies, and discrimination against them today in many social and economic contexts is driving them into social exclusion. Access to education is vitally important here: it is the key in the Roma/Gypsies' progress towards equality.

II. Solutions – examples of good practice

So what can be done to address the picture I have painted? What are the possible or existing solutions? What types of good practice should be supported and developed?

The conference working groups discussed these questions and came up with ideas, examples and proposals. The rapporteurs outlined these to you yesterday and you will find them in the written reports, already available, which will form an integral part of the European regional contribution to the World Conference. I will highlight here only some of the many points made.

First and foremost I want to underline the importance of prevention. I subscribe to the school that prefers prevention to punishment (although, of course, there must also be provision for sanctions to be imposed).

The first point to be made about prevention concerns rules and, in particular, legal and political guarantees. The Conference unequivocally welcomed the latest advances in European law in this respect. The adoption of Protocol No. 12 to the European Convention on Human Rights and the recent Community Directive on equal treatment between persons irrespective of racial or ethnic origin are positive steps. Slowly but surely, Europe is completing the armoury of legal instruments needed to prohibit racial discrimination. Its efforts are, of course, complementary to the worldwide protection machinery. The International Convention on the Elimination of All Forms of Racial Discrimination remains the cornerstone at international level.

Completing anti-discrimination legislation at national level remains a priority. It is incredible - but true - that in the year 2000 not all European countries possess such legislation.

No matter what laws are passed, nothing will change until the law is properly applied and fully enforced. Genuine political will is also required at national and supra-national level to turn the letter of the law into a reality that is part of everyone's experience. An example of very good practice that might usefully be followed is the establishment of specialised bodies to combat racism and intolerance at national level. Whether they take the form of a commission, an ombudsman's office or a specialist centre, and whether they focus on racism or form part of larger bodies with a brief to promote and protect human rights, such mechanisms are essential complements to the law and contribute to its implementation.

A final comment on this point: whatever anti-discrimination laws are passed and whatever measures are taken to combat racism, certain negative trends will never be reversed until positive steps are taken to improve the situation of those women and men affected by racial discrimination and/or multiple discrimination.

Particularly important here are: the development and exchange of good practice with regard to combating discrimination in employment and housing; the role of the social partners; and the effective involvement of employers and trade unions in addressing workplace discrimination.

Prevention also works through education. Education for human rights should occupy a much more important place in our education systems. Instead of being treated as a separate minor subject, it should be present right across the curriculum, injecting a human rights component into the teaching of every subject. What society needs is a "human rights culture". Intercultural education, a more thoughtful approach to history teaching and an effort to make schools places of education against racism are all aspects to be studied and reinforced.

Nothing will be accomplished without the involvement of civil society. For that reason, strengthening civil society and supporting the work of non-governmental organisations are basic steps in the fight against racism, racial discrimination, xenophobia and related intolerance.

We heard yesterday that the media play a crucial role in identity building. It is true that they are an integral part of our lives. As such, they are often criticised for certain negative aspects of their operating methods but the media can also make a substantial positive contribution to tackling racism. They are often fundamentally important tools in anti-racist work. New technologies, and particularly the Internet, are powerful forces for cultural *rapprochement* and thus help combat racism. The Internet and other media can also play a negative role, however, when they are used to disseminate racism and hatred. In such cases, we must react and protect ourselves. It is true that there are currently loopholes in the law because technology advances faster than lawyers can deliberate. Given that the problem has to be resolved at global level, we must hope that it is not overlooked at the forthcoming World Conference.

I should like to conclude by emphasising how impressed I have been by the depth of the will, at European and international level, to combat racism, racial discrimination, anti-Semitism, xenophobia and related intolerance. Indeed, I wonder whether, on occasion, advances in awareness, law and practice at national and local level are not stimulated "from the top down". That will has been palpable over the last few days. In recent years it has also brought some important projects to fruition and been responsible for practical achievements including such successful initiatives as the European Union's Monitoring Centre on Racism and Xenophobia, whose work we appreciate.

Finally, I should like to pay tribute to our own European Commission against Racism and Intolerance (ECRI) for its remarkable work, and urge it to demonstrate that it has the strength of spirit, the will and the determination to go on fighting for justice and equality among all human beings.

In a year's time, the World Conference against racism will be taking place. Our message will not be one of self-satisfaction, but one which recognises our problems. Nor will it be a message of resignation, but one instead of determination to combat racism, racial discrimination, anti-Semitism, xenophobia and related intolerance.